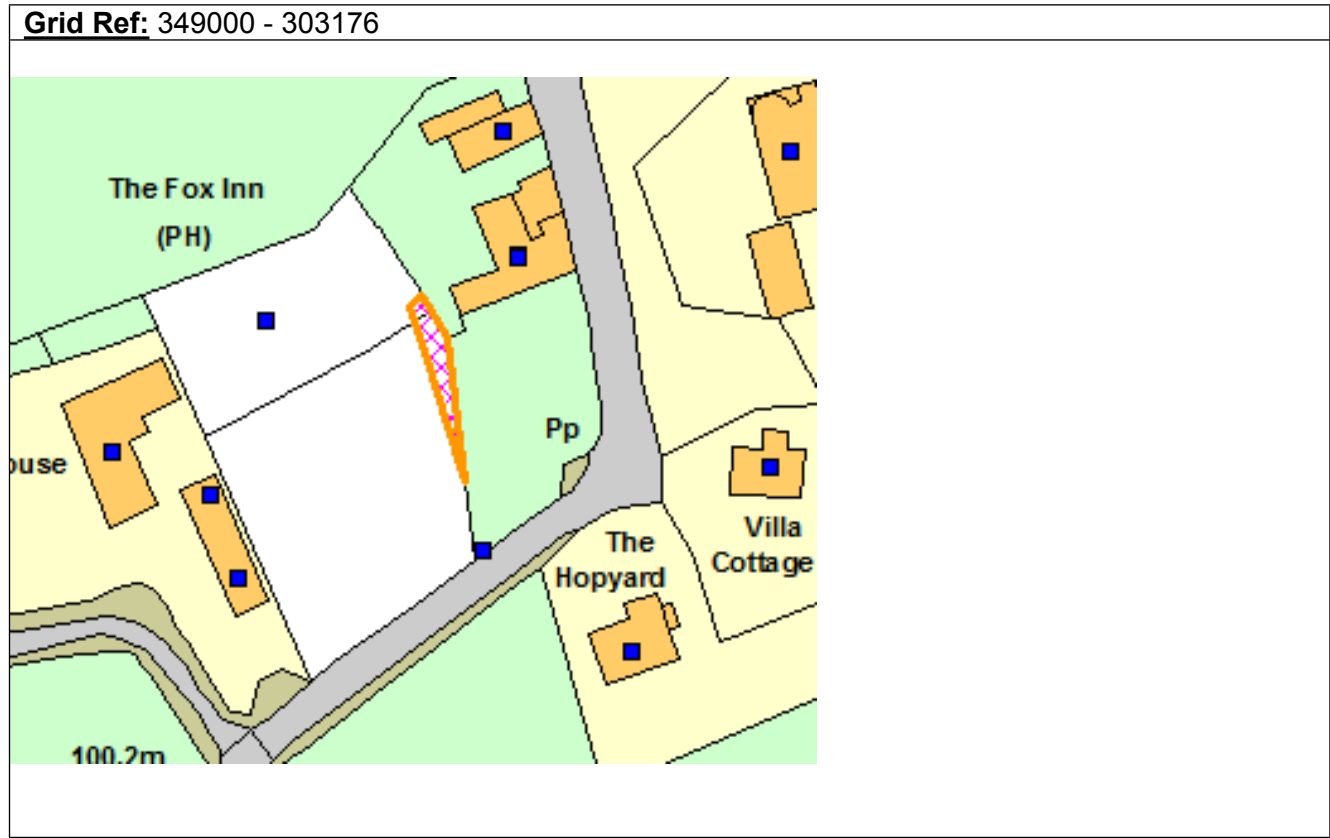


Development Management Report

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

Summary of Application

<u>Application Number:</u> 17/01790/FUL	<u>Parish:</u>	Condover
<u>Proposal:</u> Application under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall, and use of the land in association with development approved under 14/00701/FUL (amended description).		
<u>Site Address:</u> The Fox Inn Ryton Shrewsbury Shropshire SY5 7LS		
<u>Applicant:</u> Mr And Mrs J Owen		
<u>Case Officer:</u> Frank Whitley		<u>email:</u> planningdmc@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.Appendix 2

Minutes of Committee Meeting dated 26 June 2014 14/00701/FUL

Appendix 3

Minutes of Committee Meeting dated 18 Sept 2014 14/00701/FUL

Appendix 4

Decision Letter 14/00701/FUL

Recommended Reason for Approval

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall and use of the land in association with development approved under 14/00701/FUL (amended description).
1.2	The site is effectively a narrow strip of land falling between the car park of the Fox Inn, and land forming part of a development of 6 dwellings to the west, approved under reference 14/00701/FUL.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site measures 24m in length, and 3m at its widest point, though tapers to a point at the south end.
2.2	The site comprises a set of steps and bank which have been turfed over below the level of the existing car park. The steps formerly provided access from the top car park to lower overspill car park. The steps have now become redundant and the bank has been taken to form the boundary of the residential development.
2.3	A beech hedge has been planted at the top of the bank, adjacent to the car park, as required under an approved landscaping scheme for 14/00701/FUL. Approximately half of the grassed bank is supported by a timber post retaining wall.
2.4	It is understood that the Fox Inn and its car park has been registered as a Community Right to Bid Property, though locally it is known as an Asset of Community Value (ACV). For the purposes of this report, and only in as far as this matter is relevant, the property shall be described as a CRBP.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

4.0	Community Representations
	Consultee Comments
	SUDS- no objection
	We have no comment from the drainage and flood risk perspective, regarding the turfing over a previous set of steps, together with the installation of timber log retaining wall.
	Public Comments- One representation has been received
	<p>I object to this application on behalf of our organisation, Ryton Supporters of Community Assets. This entity was established in 2014 and successfully applied for The Fox Inn to be listed as an Asset of Community Value, with widespread local support for the associated petition, reflecting a general concern about the long-term viability of The Fox in light of the proposed development of its larger car park for housing.</p> <p>The housing development divided opinion in the village as to whether it would pose an existential threat to the pub. The owners argued that the profits from the sale of the houses would be reinvested in the pub to assure its future viability, an argument accepted by those who supported the planning application. However, whether supporting or opposing the new houses, a desire to ensure the pub's future viability was a concept that unified both camps.</p> <p>In this context, the owners repeatedly promised from an early stage that part of the reinvestment would involve an expansion of the remaining car park to accommodate up to 24 or 26 cars, mitigating the loss of parking on the development. The existing upper car park holds a maximum of 13 cars (including those belonging to the owners and the bar staff). It should be noted that Ryton is a village of narrow lanes with no on street parking, so the pub's onsite parking is a critical factor for its viability.</p> <p>This promise was made to the community at a meeting of local residents, as well as to the Shropshire Council planning committee meetings. I attended one of the committee meetings and the future viability of the pub (and its parking provision) was one of the central topics for discussion, as was the general concept that funds should be reinvested in the pub (as promised by the owners). The committee members agreed that an enlarged car park of 24/26 spaces was essential. The Development Management Report presented to the committee stated that there would be "26 parking spaces available to the front of the pub". All of the detailed approved plans referenced in the final planning approval depict the new boundary between the two sites, a new retaining wall and the enlarged car park. Condition 2 of this approval states "the development shall be carried out strictly in accordance with the approved plans and drawings".</p> <p>It has become apparent that the owners have no intention of following through on either the promises made or the original planning conditions. The new, expanded car park would only be possible if the boundary was established as per the approved plans and drawings (condition 2). Instead, the boundary has already</p>

been established further to the east, presumably to maximise parking space for the new houses. This effectively robs all of the space required to create the expanded residual car park, adding land that was not part of the planning application. This kills the possibility of creating any increase in parking space, nevermind the doubling of capacity promised. This planning application, whilst ostensibly about permission to remove a set of steps and build a log wall, is in effect seeking retrospective planning permission to endorse this ongoing contravention of condition 2 of the original planning approval.

The effects of this contravention and the resulting inadequacy of the remaining parking are already being felt. At busy times customers have had to double park, and that's with the owners and their staff parking their cars on the housing development which, along with ongoing customer parking in the entrance to the houses, will have to cease once those houses are occupied.

Vehicles are often forced to reverse out onto the road, creating a hazard on a narrow lane that is heavily used by local residents, commercial traffic, agricultural traffic, horse riders and cyclists (it is on the national cycle network). Additionally, the housing development itself has inadequate parking, introducing the possibility of residents and their visitors parking on the pub's car park, putting further pressure on its capacity.

Shropshire Council agreed in 2014 that The Fox is an Asset of Community Value. The council's planning committee gave consent for the construction of the houses on the basis that the owner would be reinvesting capital in the pub, particularly in the construction of an expanded car park to mitigate the loss of a large amount of car parking on the development site. Final approval was granted with a condition that the development would be completed in accordance with a design that established a boundary and separating retaining wall that would permit the creation of an enlarged residual car park.

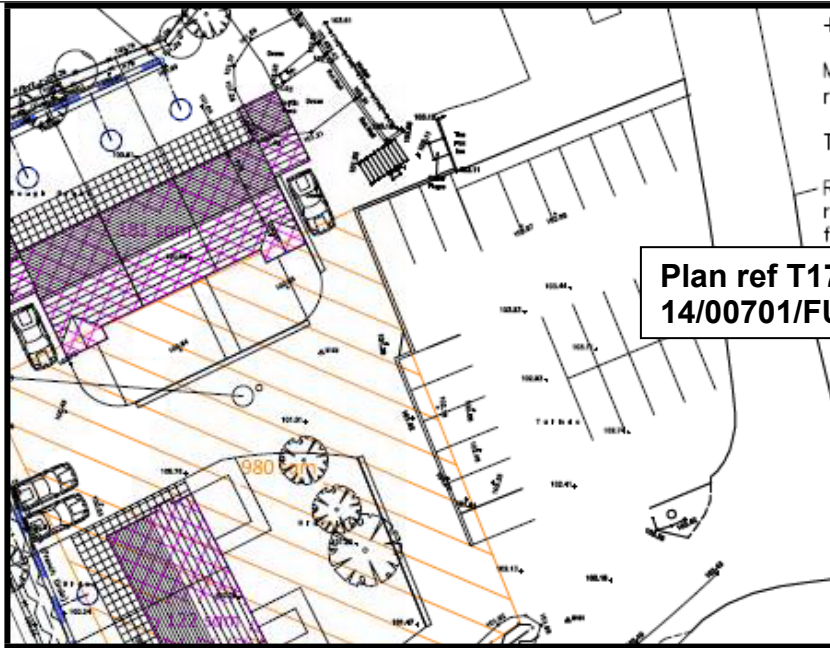
Approval for this retrospective planning permission would mean the eventual demise of a valued facility in an expanding village that is already poorly served by local amenities. Such a determination would be contrary to all of the principles outlined here. If the planning department is minded to grant such permission, we believe that to preserve the democratic principles underpinning the planning process, the final determination should be referred back to the planning committee, given the extent to which it diverges from the original application and assurances made at the time. However I hope that the council will reject this application and insist that the original, approved boundary be re-established so that the current or future owners of the pub can provide the parking capacity that everyone agrees that it sorely needs.

Parish Council - objects

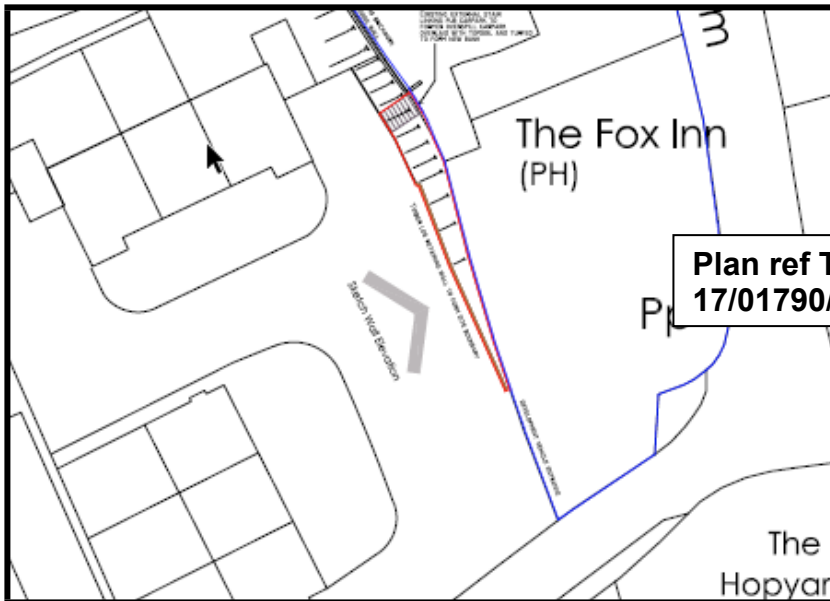
1. There is a central fault in the Site Plan Elevation and Detail drawing submitted with this application. The boundary of the car park and the line of the retaining wall submitted (TFR/PP/01: 18/04/2017) vary significantly from the boundary and line of the retaining wall submitted with planning application 14/00701/FUL against which planning permission was granted (T17219/14/115B: 16/04/2014)

2. The housing development (14/00701/FUL) was built on land previously used to

	<p>provide overflow parking for the Fox Inn. Integral to the planning consent was provision of adequate parking to the front of the Fox Inn. The Development Management Report presented to the Central Planning Committee on 26 June 2014 states in para 6.6.5 that there would be "26 parking spaces available to the front of the pub"</p> <p>3. Moving the boundary of the car park and the line of the retaining wall from its original position to one running immediately adjacent to the bottom of the steps would reduce the size of the car park and so delete seven of the 26 parking spaces referred to in the Central Planning Committee report and shown on drawing T17219/14/115 (16/04/2014)</p>
5.0	THE MAIN ISSUES
	<input type="checkbox"/> Principle of development <input type="checkbox"/> Whether the development reduces the provision of car parking and the continued operation of the pub. <input type="checkbox"/> Whether the application encroaches into the designated Asset of Community Value (ACV) or Community Right to Build Property (CRBP). <input type="checkbox"/> Value of the bank as a buffer screen between the car park and occupiers of adjacent dwellings.
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
6.1.2	The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the approved development under 14/00701/FUL is a significant material consideration which is considered sufficient to establish the principle of development. Approval is subject to the main issue identified below.
6.2	Whether the development reduces the provision of car parking and the continued operation of the pub
6.2.1	In general, opposition to this application appears to be based upon a belief that if approved, this application would make it impossible to extend the pub car park, as was allegedly required under the provisions of 14/00701/FUL.
6.2.2	In the first instance it is necessary to clarify point 1 of the Parish Council objection. Sections of the plans referred to in the PC objection are reproduced below.



**Plan ref T17219/14/115B
14/00701/FUL**




**Plan ref TFR/PP/01
17/01790/FUL**

6.2.3

Differences in the two plans above can be explained by marginal inaccuracies in their representation. The boundary of the car park in T17219/14/115B appears to overlay the bank shown on TFR/PP/01. Nevertheless, for the purposes of this application, this “fault” as described by the PC can be given very low weight for the following reasons:

- The boundary of the car park falls outside of the boundary of the application site for 14/00701/FUL, as per the definitive block plan 05A dated April 05 (see below). This is the only plan in the 2014 application which actually defines the extent of the application site by way of a red (or in this case pink) line.
- There was no intention to extend the car park in 14/00701/FUL, evidenced by the Design and Access Statement, and description of development.

	<input type="checkbox"/> The plan T17219/14/115B sets out surface water drainage proposals, and is approved for that purpose only.
6.2.4	A section of 05A is included below. The plan supporting the current application, TFR/PP/01 is entirely consistent with it. The application site boundary falls at the bottom of the bank, identified by the contours below the car park.
	
6.2.5	The second part of the PC objection relates to an understanding that that loss of the overspill car park was to be compensated for, either by extending the current park or by the provision of a car park elsewhere.
6.2.6	Extracts of the Committee report for 14/00701/FUL are reproduced below:
	<p><u>Committee report presented to Members 26 June 2014</u></p> <p><u>6.5.2 Loss of Customer Parking</u></p> <p><i>Loss of customer parking:</i> <i>The area of car park remaining for use by customers to the public house under normal conditions would appear adequate, however, there is clearly an issue with regard to arrangements for larger events. Given the width of lanes surrounding the site, on street parking would not be possible. The applicant has now confirmed that agreements are in place to utilise parking at the local village hall and a neighbouring field should additional parking be required for functions or events at the pub. In this respect, officers are satisfied that the loss of the overflow car park would not result in on-street parking and as such, it is considered that the proposal will not adversely affect highway safety.</i></p> <p><u>6.6.5</u></p> <p><i>The pub has a capacity of 54 covers within a trading area of 32 square metres but the applicant advises that trade can vary and is influenced by factors such as weather conditions, time of year and there is no such thing as a typical day. Officers do consider, however, that the 26 parking spaces available to the front of the pub would be sufficient to accommodate the level of trade likely be generated by the use of the pub. Evidence has also been provided by the applicant of parking provisions available at similar rural pubs within the area. From this information, it can be seen that The Fox actually compares favourably, in relation to the number of covers offered. The applicant has also confirmed that an arrangement is in place with the village hall and a local land owner to provide overspill parking for up to 80</i></p>

	<p><i>cars if required.</i></p> <p><u>Updated Committee report 18 September 2014</u> 0.9 Securing Overflow Parking in S106: <i>It has also been queried by the Parish Council whether the overflow parking on adjacent fields should be secured and controlled by a S106 legal agreement. Members are advised that such an agreement is not considered necessary given that officers consider that the parking available at The Fox Inn is already sufficient to ensure the continued viability of the pub and compares favourably with other rural public houses within the area.</i></p>
6.2.7	<p>The Design and Access Statement supporting 14/00701/FUL provides a plan showing an existing car parking layout of 26 spaces and was deemed by the applicant to be adequate for the continued operation of the pub. There was no proposal to extend the car park. The applicant spoke during the Central Planning Committee meeting of 26 June 2014 and stated that the proposal would not affect the viability of the pub, the provision of car parking was adequate and an agreement was in place for alternative parking.</p>
6.2.8	<p>There is a letter on the public file for 14/00701/FUL from a neighbour who offers part of a field to the south of the Fox Inn for additional parking during major events. However that offer was made by the tenant of the land, and appears to have been made on condition that the applicant had also secured authority from the owner. Correspondence has been received from the owner of that land in relation to the current application stating: <i>I have never had any discussions or authorised the use of any part of my land to be used for car parking.</i></p>
6.2.9	<p>An additional letter from the Village Hall Management Committee was submitted for consideration by Members of the Planning Committee in 2014. The letter states that authority had not been granted to use the Village Hall car park for overspill parking.</p>
6.2.10	<p>It appears therefore that in 2014, the applicant did not have permission to use other land for overspill parking. Notwithstanding this point, the Officer recommendation, and one accepted by Members, was that parking provision was adequate without alternative arrangements being formally secured by way of a Section 106 agreement or condition on the decision letter (see Appendices 1-3). However it is also accepted that decisions were made on the basis of capacity of 26 spaces in the car park.</p>
6.2.11	<p>The public objection claims that the car park has an existing capacity of 13 cars and was intended to be enlarged in order to accommodate 24 or 26 cars. This appears to be a misunderstanding. The Design and Access Statement supporting 14/00701/FUL states on Page 5:</p> <p><i>The existing car park for the “Fox Inn” public house is deemed to be more than adequate with room for 26 car parking spaces.</i></p>
6.2.12	<p>The number of cars which can actually be accommodated is not a significant material planning consideration to this application. In any event, since at least 2000, the car park has not had designated spaces marked out. 14/00701/FUL was</p>

	approved on the basis of the updated Committee report dated 18 September 2014, extracts of which are included above. There was no proposal to extend the car park and no requirement to do so, for example, by way of conditions or other obligations. Essentially, the existing car park was considered sufficient for the continued operation of the pub.
6.2.13	As part of the current application, the applicant's agent has been invited to secure additional off-site parking, in an attempt to address the concerns raised in representations. No proposals or solution has been forthcoming.
6.3	Whether the application encroaches into the designated Asset of Community Value (ACV).
6.3.1	Concerns have been raised that use of the bank as part of the residential development on the lower car park would conflict with the ability of the Fox Inn to be retained and operated as an ACV, or as is more likely to be the case, a CRBP.
6.3.2	In as far as this matter requires to be considered, it is understood that the registered boundary of the CRBP aligns with the car park boundary, ie the top of the bank.
6.3.3	There is therefore no conflict with this application.
6.4	Value of the bank as a buffer screen between the car park and occupiers of adjacent dwellings.
6.4.1	CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
6.4.2	CS6 also seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
6.4.3	The turfed bank and its steps serve no purpose and there is considered to be no reason to have a route between the Fox Inn and the residential development. Together with its landscaping, the bank forms an attractive boundary feature of the development and provides a buffer screen to protect residents from noise and disturbance, particularly from headlights at night, in accordance with the requirements of CS6. A beech hedge has been planted at the top of the bank in accordance with details approved in an application to discharge Condition 6 of 14/00701/FUL.
7.0	CONCLUSION
7.1	Overall, the principle of use of the land as part of the adjacent residential development has been established. It has also been demonstrated that contrary to the beliefs of the Parish Council and the single representation received, there was no requirement to extend the car park, or increase the number of spaces available off-site. It is difficult to assess how the size of the existing car park will affect the viability of the Fox Inn. In any event, it is not considered that such an assessment is required to be made,

7.2	By virtue of the decisions made by Members in 2014, and by assessment of the approved plans of 14/00701/FUL, it is not considered that the nature of objections to this application are sufficient to alter the planning balance in favour of additional works and landscaping to create a buffer between the car park and residential development.
7.3	The development will not impact upon its designation as a CRBP.
7.4	There are demonstrable benefits of the bank in terms of its appearance and ability to protect the amenity of nearby residents, in accordance with CS6. Planning permission is recommended
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>

8.3	Equalities
	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
CS6 - Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

09/00974/REM Reserved matters pursuant to outline planning permission ref: 08/1491/O for the erection of a dwelling and two holiday let units to include appearance, landscaping, layout and scale GRANT 22nd July 2009

14/00392/FUL Conversion of dis-used sandstone barn to dwelling with erection of single storey extension and creation of vehicular access GRANT 24th February 2016

14/00701/FUL Erection of six residential dwellings GRANT 5th November 2015

16/01177/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 14/00701/FUL Erection of six residential dwellings DISPAR 13th April 2016

16/03441/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 14/00392/FUL Conversion of dis-used sandstone barn to dwelling with erection of single storey extension and creation of vehicular access DISAPP 20th September 2016

16/03442/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 14/00701/FUL Erection of six residential dwellings DISAPP 20th September 2016

16/04628/VAR Variation of condition number 8 attached to planning permission reference 14/00392/FUL dated 24th February 2014 to enable the installation of a sewage treatment plant for this development PDE

16/04702/DIS Discharge of condition 6 (Landscaping) attached to planning permission 14/00701/FUL Erection of six residential dwellings DISAPP 22nd November 2016

17/01790/FUL Application under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall, and use of the land in association with development approved under 14/00701/FUL (amended description). PDE

17/02064/VAR Variation of condition No. 8 attached to planning permission 14/00392/FUL NPW 4th May 2017

SA/90/0985 Change of use of coach house to residential accommodation. REFUSE 19th December 1990

SA/86/0553 Alterations to provide a flat roof bay window. PERCON 22nd July 1986

SA/79/1226 Erection of a single storey extension comprising of men's toilet and pool room, also alterations and incorporating new windows. PERCON 15th January 1980

SA/77/0868 Alterations and extensions to provide new lounge and toilets, erection of toilet for existing bar and alterations to private living accommodation. PERCON 11th October 1977

SA/99/0693 Change of use of public house to four bedroom dwelling. REFUSE 25th August 1999

SA/95/0923 Erection of 2 floodlights (retrospective). PERCON 27th October 1995

SA/08/1491/O Outline application for the erection of a dwelling and two holiday let units to include access and layout PERCON 10th February 2009

SA/07/0962/F Conversion of a redundant storage building into a single 3 bedroom dwelling, erection of a single storey extension to rear and side and alterations to existing vehicular access REFUSE 15th August 2007

SA/07/0245/F Conversion of a redundant storage building into single, 3 bedroom dwelling, erection of a single storey extension to rear and side and construction of new vehicular access WDN 16th April 2007

Appeal

99/00608/REF Change of use of public house to four bedroom dwelling. DISMIS 18th February 2000

Appeal

90/00829/REF Change of use of coach house to residential accommodation. DISMIS 12th December 1991

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 Dan Morris
Appendices

APPENDIX 1 – Conditions

Appendix 2

Minutes of Committee Meeting dated 26 June 2014 14/00701/FUL

Appendix 3

Minutes of Committee Meeting dated 18 Sept 2014 14/00701/FUL

Appendix 4

Decision Letter 14/00701/FUL

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.

Appendix 2

Minutes of Committee Meeting dated 26 June 2014 14/00701/FUL

The Area Planning and Building Control Manager introduced the application and confirmed Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, revised site layout and elevations. He explained that a request for deferment had been received from local residents in order that they could obtain professional advice regarding the recent comments made by Shropshire Council's Flood and Water Manager. In response to this request, he explained that Shropshire Council Drainage Officers had deemed the drainage to be acceptable and a satisfactory solution had been provided by the applicant.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed additional conditions as suggested by the Shropshire Council's Flood and Water Manager.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, and his declaration of interest as set out in Minute No. 19, Councillor Tim Barker, the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This was a complex and controversial application and would be contrary to SAMDev.

Ms K Halstead, a local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The development could cause flooding and put additional pressure on existing drainage system;
- In heavy rain her property became saturated;
- An unsatisfactory drainage report had been submitted by the applicant; and
- There was a duty to ensure flood risk was not displaced elsewhere.

Cllr Ms S Mackay, representing Condover Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The proposal would be contrary to SAMDev and Ryton had countryside status;
- It would be necessary to travel by car to access all services – so proposal would not be sustainable;
- She expressed concerns with regard to the disposal of both foul and sewage water. An unsatisfactory drainage plan had been submitted;
- Water had suddenly started flowing in a ditch that remained dry most of the year;
- There was no agreement in place to utilise parking at the local village hall during events and functions held at the public house;
- Roadside parking would not be an option in Ryton; and

- If planning permission granted the public house would close.

Mr J Owen, the applicant, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- There was a need for small affordable and open market houses not only in Ryton but countrywide;
- The proposal would be sustainable and would address the housing imbalance in village;
- It would not affect the viability of the public house;
- The provision of parking would be more than adequate;
- There was an agreement in place for any overspill parking that would be required during events and functions;
- He had submitted a comprehensive drainage scheme, which had been approved by Drainage Officers; and
- Watercourses had been filled in by local people.

In response to questions and comments from both speakers and Members, the Senior Drainage Engineer provided clarification on drainage and disposal of both surface water and foul water. The Area Planning and Building Control Manager drew Members' attention to paragraphs 6.6.5 and 6.6.6 of the report which indicated that the parking arrangements would be adequate and the proposal would ensure the protection and retention of an existing community facility.

In the ensuing debate, Members considered the submitted plans and noted the comments and concerns of all the speakers and expressed their own concerns with regard to the drainage. Members acknowledged the need for affordable housing in rural areas but questioned the sustainability of the proposal and held differing views with regard to the design and the appropriateness of the development.

RESOLVED:

That this application be deferred in order that further details can be provided detailing how the drainage and disposal of both surface water and foul water drainage will work and be managed to a satisfactory standard.

Appendix 3**Minutes of Committee Meeting dated 18 Sept 2014 14/00701/FUL**

The Area Planning and Building Control Manager introduced the application, which had been deferred at the 26 June 2014 meeting of this Committee. He drew Members' attention to the amended conditions as set out in Appendix 1 to the report. Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed comments from Shropshire Council's Flood and Water Manager, local residents and the applicant's Drainage Consultant.

Ms K Halstead, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- ¶ She reiterated her concerns regarding the drainage/flooding.

Councillor David Lane, representing Condover Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- ¶ He reiterated the concerns of the Parish Council relating to drainage and the detrimental impact a further six properties would have; and
- ¶ The development would impact on the viability of the public house.

Mr J Owen, the applicant, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- ¶ Historic mapping provided proof of the watercourse and its source;
- ¶ Officers had made a decision and recommendation based on factual evidence;
- ¶ An Environment Agency Exemption Certificate had been granted; and
- ¶ The proposal would provide six small much needed properties in Ryton.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

RESOLVED:

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

- ¶ A Section 106 Legal Agreement to secure the provision of one on-site affordable dwelling; and
- ¶ The amended conditions as set out in Appendix 1 to the report.

Appendix 4**Decision Letter 14/00701/FUL****DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION**

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Location: The Fox Inn, Ryton, Shrewsbury, Shropshire

Proposed Development: Erection of six residential dwellings

Application No. 14/00701/FUL

Date Received: 17th February 2014

Applicant: Mr John Owen

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

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

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

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

4. Prior to first occupation of any of the dwellings hereby approved, the vehicular access shall be set out and surfaced in accordance with the approved plans. The access shall thereafter permanently be maintained as agreed.

Reason: In the interests of highway and pedestrian safety

5. Prior to first occupation of the dwellings hereby approved, the parking and turning areas shall be set out in accordance with the details shown in the unreferenced amended site plan received 7th August 2014. On-site parking shall thereafter be retained as shown and kept free from obstruction.

Reason: In the interests of highway safety to ensure that sufficient parking space is available on site and to prevent the occurrence of on-street parking or the requirement to park in the adjacent public house car park where space is limited.

6. Prior to first occupation of the dwellings hereby approved, a scheme of landscaping shall be submitted to and agreed in writing by the local planning authority. The submitted scheme shall include:

Means of enclosure
 Hard surfacing materials
 Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 Planting plans
 Written specifications (including cultivation and other operations associated with plant and grass establishment)
 Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 A timetable for the implementation of the agreed scheme.

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

7. The following restrictions shall apply to windows in the development hereby approved: -
 - The first floor windows in the rear elevation of units 2 and 3 shall be obscure glazed and fitted with opening restrictors (fitted to have a maximum opening of 100mm).
 - The first floor window in the south west facing (side) elevation of unit 4 shall be fitted with obscure glazing.

The above requirements shall have been installed prior to first occupation of the units concerned and shall permanently be retained as such

Reason: To protect the privacy of occupants of Wisteria Cottage and holiday lets.

8. The drainage scheme to be provided in the development hereby approved shall be carried out strictly in accordance with the details indicated in the unreferenced Amended Site Plan received 7th August 2014, Site Layout Plan ref. 1142/11-10 received 23rd May 2014, and Surface Water Drainage Proposal Plans ref. T17219/14/115B and

T17219/14/115D both received 23rd May 2014 together with the accompanying Drainage Statement prepared by David Bennion Drainage dated 20th May 2014. The approved scheme shall be fully completed before the development is first occupied.

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A, B and C, (or any Order amending or revoking and re-enacting that Order), the enlargement, improvement or other alteration of the dwelling shall not be carried out without the express written consent of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class E, (or any Order amending or revoking and re-enacting that Order), the erection of any freestanding structure within the curtilage of the property shall not be carried out without the express written consent of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

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

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

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

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

Informatives

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.

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

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

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive

1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

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

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

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

Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/ watercourse is occasionally dry, the treated foul effluent should discharge into a drainage field.

At the reserved matters stage details of how the development will take note of paragraph 35 of the NPPF should be given. Without information which is seen to be appropriate electric vehicle charging points may be recommended as a condition for all dwellings with off road parking.

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website www.buildshropshire.co.uk for pre-application advice and a competitive fee.

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

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Shropshire and Staffordshire Sustainable Drainage Systems (SuDS) Handbook.

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 soak away naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort.

Approved Drawings

Plan Type	Plan No.	Date Received
Site Location Plan	05, Rev. A	17.02.2014
Combination	1142/11 - 02	17.02.2014
Proposed Floorplans	1142/11 - 03	17.02.2014
Proposed Elevations	1142/11 - 04	17.02.2014
Block Plan	T17219/14/115B	23.05.2014
Block Plan	T17219/14/115D	23.05.2014
Block Plan	1142/11 - 10	23.05.2014
Block Plan	UNREFERENCED UPDATED SITE & DRAIN	07.08.2014

14/00701/FUL**Ian Kilby, Development Manager
Date of Decision: 5th November 2015**