

Development Management Report

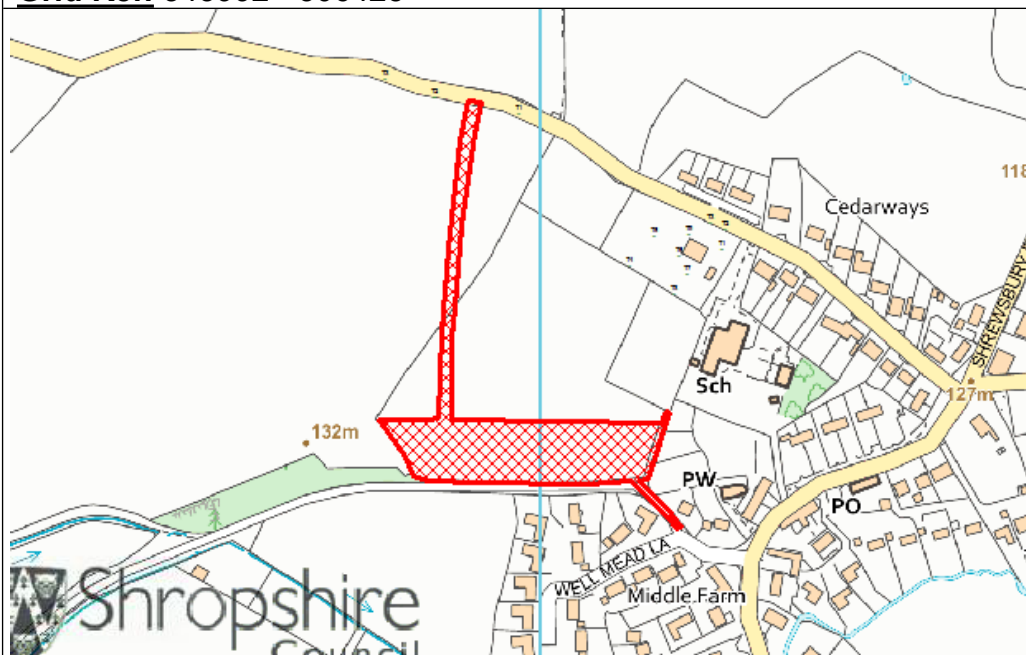
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Summary of Application

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

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Annex A: Copy of Report considered by Planning Committee 28 September 2017.**Recommendation:- Refuse****Recommended Reasons for refusal**

1. The development would exceed the housing guideline numbers for the Parish given by S16.2(xi) of the adopted SAMDev Plan, and in the overall planning balance, including having regard to the requirements of MD3 para 2, there are insufficient benefits arising from the development to justify exceeding the guideline numbers. Consequently, the development fails to accord with the relevant adopted policies of the development plan relating to the location of new housing development and to NPPF, in particular Chapters 2 and 12.

2. The development would constitute an unwarranted and inappropriate encroachment into a larger undeveloped field and would not assimilate into its immediate setting for reasons of layout and undefined boundaries. Furthermore the site is detached from the adopted public highway and the proposed construction access arrangements are not considered appropriate, which are negative considerations in the overall planning balance. Accordingly, the development fails to accord with CS4, CS6, MD2 and the NPPF.

3. Due to the absence of a complete ecological report, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. The development therefore fails to accord with the requirements of the NPPF, CS17 and MD12.

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the Erection of 5 No bungalows and associated infrastructure (amended description). The single storey dwellings are to have 3 bedrooms each.
1.2	Since its first submission in June 2016, the application has seen several amendments, and it was considered by Planning Committee on 28 September 2017. Shortly before that Committee, new information came to light which led the Officer to change the recommendation from approval to deferral. Members resolved to defer a decision as per recommendation. This report should be read in conjunction with the report considered on 28 September 2017. A copy of the report is attached at Annex A.
1.3	The application site fronts the north side of Manor Lane which leaves Shrewsbury Road to the west near the centre of Longden village. The 5 bungalows are to be set out along a new internal road with turning space at each end.
1.4	The latest amendment considered in this report proposes an alternative access for construction traffic routed from Plealey Lane to the north. This temporary access and track serves the site so that heavier construction vehicles do not have to pass over the rooting area of a protected veteran oak tree situated on the edge of Manor

	Lane. It is therefore intended that root protection measures otherwise required for heavy construction vehicles are not necessary. The new access on Plealey Lane will be formed approx. 200m beyond The Rectory. The temporary access track will be 230m long across flat farmland. A field boundary hedge would have to be opened to provide access into the larger field containing the application site. A temporary construction compound would be formed immediately outside and to the west of the development site.
1.5	The applicant has stated he owns the development site. Members may recall that at the time of first submission, the applicant carried out a Land Registry Search to identify the owner of Manor Lane, which needs to be used to reach the development site. Without an identified owner, it would in theory have been possible for Shropshire Council to grant planning permission. However in July 2018, Officers carried out a Land Registry search and identified a neighbouring landowner having title to the access route and that part affected by the protected tree roots. Crucially, this landowner has objected to the development. Accordingly, without sufficient prospect of essential tree protection works being allowed on third party land within the time frame of a permission, it became evident to Officers that planning permission could not be granted.
1.6	The current proposal seeks to overcome the above difficulty by routing construction traffic from Plealey Lane instead. Once the development is completed, the temporary access and track would be removed and land restored to its previous condition. Thereafter, normal (lighter) domestic traffic is intended to use Manor Lane without causing compaction damage to the roots of the protected veteran oak tree. The new proposals are set out in an accompanying planning statement received 22 March 2019.
1.7	Since it was first submitted, the application drainage proposals have been amended in favour of a package treatment plant/soakaway instead of mains foul water connection.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site lies on the west side of Longden on agricultural land between the Well Mead Lane residential development and Plealey Lane to the north. The land is graded as moderate value (Grade 3 Agricultural Land Classification)
2.2	From Shrewsbury Road which leads through the village, the site is accessed by Manor Lane. The first 50m is adopted to the point of the junction with Well Mead Lane. Thereafter, Manor Lane is a private track which continues to Longden Manor, some 1.5km further west.
2.3	A public footpath leads from Manor Lane along the eastern side of the development site, past Longden CofE Primary School and connects with Plealey Lane to the north.
2.4	The veteran protected oak mentioned above lies on the south side of the application site and its root system extends across Manor Lane.

2.5	When the application was first submitted, the owner of Manor Lane could not be identified. As per correct procedure, the application was advertised in the press and a site notice displayed on 21 June 2016.
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. At its meeting on 28 September 2017, Members of the Planning Committee resolved to defer a decision regardless of Officer recommendation.
4.0	Community Representations
	Consultee Comments
4.1	Parish Council- objection
	<p>Comment: Longden Parish Council Object to this application for the reasons listed below, The proposal is in conflict with the Longden Village Design Statement which says that development within the village should be only up to three properties. This development is outside the proposed village HUB development boundary. The SAMDev plan agreed 10-50 properties for the Parish between 2010-2016 and over 60 properties have been built already. The proposed temporary road will increase traffic on School Lane and set a precedent. Access, once the development is completed will still have a detrimental effect on the protected Oak tree.</p>
4.2	Highways- further information required
	<p>Observations/Comments: 18/04/2019</p> <p>The highway authority previously offered no objection to the proposed development of 5 bungalows off Manor Lane in comments dated 17th May 2017 subject to conditions and informatives.</p> <p>The developer has now proposed the construction of a temporary access road to the site from Plealey Lane to the north to facilitate the erection of the dwellings. From a highways perspective we have the following comments on the proposed temporary access:</p> <ul style="list-style-type: none"> • It is considered that the temporary access onto Plealey Lane indicated on the submitted plans is inappropriate for the location and for its temporary nature. • The use of this temporary access would be likely to impact on more properties and all construction traffic would be routed past Longden CE Primary School. • It has not been clearly demonstrated that access onto Manor Lane for construction traffic has been fully explored.
4.3	Conservation- no objection subject to conditions
	<p>Thank you for consulting Conservation on the above application. We will not be commenting in full in this case however:</p> <ul style="list-style-type: none"> -The proposed development site lies on the western edge of the village of Longden on an area of currently undeveloped farmland. -The grade II listed church of St Ruthen lies to the east of the site, although is relatively well screened from the development site by its surrounding church yard,

	<p>trees and hedging. As such, there would not be direct inter-visibility between the listed church and the development site as currently proposed, and therefore the direct impact on the character and setting of the church would likely be considered to be neutral. Nevertheless, the currently undeveloped area of farmland does contribute to the wider open and rural setting of the church, and lies adjacent to what appears to have been a historic route into the churchyard and across to its associated Rectory to the north.</p> <p>-If consent were minded to be approved we would recommend that conditions are placed on all external materials and landscaping/boundary treatments, to ensure the development does not appear out of context with its surroundings.</p> <p>-We would also note that should further development be considered on the site, extending further to the north, the impact on the character and setting of the listed church would need further consideration and we would recommend that a heritage impact assessment be undertaken to assess the impact on views into/ out of the church etc.</p>
4.4	<p>SUDS/Flood and Water Management- no objection</p>
	<p>Case Officer Comment: Initially a connection to mains foul water disposal was proposed. This scheme was dispensed with on account of possible damage to tree roots. Instead a package treatment plant is proposed.</p> <p>The amended Proposed Site Plan Rev.D showed a temporary access road and a construction compound been added. The proposed layout for Plots 1 to 5 remained unchanged. Our drainage comments dated 30 August 2017 remained the same.</p> <p>Comments from SUDS 30 August 2017: The proposed surface and foul water drainage systems are technically acceptable.</p>
4.5	<p>Ecology- objection</p>
	<p>Additional information is required relating to ecology. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.</p> <p>The proposed access track has been altered, the original ecological report does not cover this area. An update is required from an ecological consultant. Any additional surveys recommended by the ecologist are required upfront prior to a planning decision being made:</p> <p>An ecological assessment should consist of:</p> <ul style="list-style-type: none"> ☐ Extended Phase 1 habitat survey, habitat map and target notes on any significant biodiversity or geological features + ☐ a desk study of historical species records and local, regional or national wildlife designated sites (distance – 1 or 2 km?)+ ☐ Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site) + ☐ Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level + ☐ Analysis of the direct and indirect impacts of the development (during

	<p>construction, working area, additional infrastructure and post construction) +</p> <ul style="list-style-type: none"> ☐ Proposed avoidance, mitigation or compensation measures, including method statements where appropriate + ☐ Legal implications such as the need for European Protected Species Mitigation Licences or other licences (e.g. badgers) + ☐ Proposed biodiversity or geodiversity enhancement measures. <p>The Ecological Assessment should be carried out by a qualified and experienced ecologist with the relevant protected species licenses. The Ecological Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.</p>
4.6	<p>Rights of Way- no objection informatives only</p> <p>Public Footpath 33 Longden has been correctly identified on the block plan. The legally recorded line of the path will not be affected by the application. It is noted that it is proposed to surface part of the route with macadam to provide a suitable path to the adjoining school. There is no objection to the upgrading of the surface of the route to a minimum width of 1.8 metres. It is also noted that the new access to the proposed development will cross the line of the public footpath and it would be advisable to erect signage to alert drivers of vehicles entering and leaving the site that the footpath crosses the access. Please note that if the public footpath cannot be safely kept open during the development of the site/surfacing of part of the route, the applicants should apply to the Mapping and Enforcement Team for a temporary closure of the route. Please ensure that the applicants adhere to the following criteria in respect of the footpath:-</p> <p>Please ensure that the applicant adheres to the criteria stated below:</p> <ul style="list-style-type: none"> · The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. · Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times. · Building materials, debris, etc must not be stored or deposited on the right of way. · There must be no reduction of the width of the right of way. · The alignment of the right of way must not be altered. · The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. · No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
4.7	<p>Trees- no objection</p> <p>Comments received 21.6.19 I have reviewed the submitted Arboricultural Method Statement and consider that the tree protection measures are acceptable. Therefore no objection is raised to the proposed development.</p> <p>Comments received 17.4.19 The revised site layout now seeks to utilise a temporary route, from Plealy Lane to allow construction traffic to access the site and thus negate the need to substantially upgrade the route from Wellmead Lane, which is now intended to serve as the residential access to the proposed dwellings but not to be used for construction traffic.</p>

	<p>The use of this existing access track and the requirement to upgrade it to provide a sustainable access to the site and the potential impact on the adjacent veteran oak tree has been the primary consideration of last iteration of this application, as other issues were satisfactorily resolved through previous changes.</p> <p>It is also worth noting that the arboricultural information submitted following the use of the tree root radar system, in support of the use of cellweb to upgrade the track, is considered to satisfactorily demonstrate that this approach could be taken without significant risk of harm to the tree.</p> <p>I have reviewed the submitted details and would agree that the temporary access can be installed without significant impact to existing trees, although there will be a loss of hedgerow along Plealy Lane. This would need to be reinstated once the access route was no longer needed.</p> <p>In terms of the proposals for the Wellmead Lane access, it is accepted that the access track is already well compacted and the additional traffic from the site would not significantly increase compaction and harm to the rhizosphere of the oak tree. However, there would still be a need to undertake some work within the RPA of the tree, in order to connect the existing track to the proposed new site access and also it is not clear if the existing track will be surfaced? The AIA will need to be updated to consider these points and also include tree protection details for the revised site layout.</p>
	<p>Case Officer note: The Trees Officer has also assessed the final drainage plans and confirmed they are mutually compatible with tree protection measures.</p>
4.8	<p>Ramblers Association- no comments received</p>
4.9	<p>Public Comments</p>
	<p>Longden Village Action Group (LVAG)</p>
	<ul style="list-style-type: none"> ❑ Questions remain as to how the unadopted land will be improved without consent from the street manager. ❑ Excessive number of dwellings proposed for private drive access ❑ Central government wishes to avoid the proliferation of private streets ❑ Current vehicle numbers using Manor Lane have been overestimated ❑ Footpath link to school is only a permissive path, not a public right of way and so possibility of footpath improvements is overstated. ❑ Questions over effectiveness of submitted drainage scheme ❑ Inaccuracies in scale and measurements in submitted block plan. ❑ Layout of access from development site onto Manor Lane has changed and is inherently unsafe
	<p>Approx 48 individual objections have been received in addition to those made by LVAG. Objections cover the following issues. Previous concerns raised into the provision of the root “bridge” are superseded by the latest access route proposals, hence are not included.</p>

	<ul style="list-style-type: none"> ❑ Site is valued by walkers and will harm the character of the village ❑ Manor Lane is in the Marches Way which forms part of the Shropshire Way Path. The development will reduce safety and enjoyment ❑ Potential harm to veteran oak by installation of services ❑ Previous appeals have been refuse for land to the rear of site ❑ Will bring extra traffic and reduce amenities ❑ Will set a precedent for further development ❑ Area is home to badgers, birds, hedgehogs and birds, popular with walkers with pushchairs, horseriders. Ecological value ❑ Development of Arrow site has already increased traffic ❑ Harm to rural and tranquil character of village ❑ School and Church will become enclosed by development ❑ Bungalows are more likely to be bought by older people rather than young families in need of housing. ❑ Protected oak has already had roots removed in order to facilitate other development ❑ Housing numbers in Longden have passed its SAMDev and Parish Plan allocation. Reference is made to Rectory development for 12 houses ❑ Questions over foul and surface water disposal ❑ Footpath is used by school children – traffic hazard ❑ Too many bungalows in village already ❑ Tree protection measures are convoluted and unrealistic ❑ Lack of infrastructure to support more development ❑ Manor Lane is generally acknowledged locally to belong to Longden Manor. The owner of Longden Manor has objected to the development ❑ Loss of quality agricultural land ❑ Site detached from rest of village ❑ Hammerhead design of access road indicative of further development intentions ❑ Will harm the peaceful setting of the Church and those who visit the church yard ❑ Shropshire Council already has a 5 year supply according to SAMDev
5.0	THE MAIN ISSUES
	Principle of development Siting, scale and design Visual impact and landscaping Trees Drainage Highways Ecology
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	Paragraph 11 of the NPPF states a presumption in favour of sustainable development. However this does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not usually be granted.
6.1.3	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.4	The Council published a Five Year Housing Land Supply Statement in March 2019. The Statement confirms that the Council has 6.78 years supply of deliverable housing land against the housing requirement within the adopted Core Strategy (2011). The Development Plan is therefore considered up to date.
6.1.5	The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the Parish of Longden has opted to be a Community Hub and Cluster settlement in the SAMDev Plan where, under CS4, some residential development is supported.
6.1.6	CS4 states that in the rural area, communities will become more sustainable (in part) by: <ul style="list-style-type: none"> • <i>Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5;</i> • <i>Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement</i>
6.1.7	CS4 refers to SAMDev to identify Community Hubs and Clusters and is dealt with by MD1 (Scale and Distribution of Development) and MD3 (Delivery of Housing Development).
6.1.8	Policy S16.2(xi) states: <i>Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are a Community Cluster in Longden Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village, with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (2013) as an addendum to the Parish Plan (2010), indicating that no individual site should be of more than 10-15 houses and a preference for lower cost 2-3 bedroom properties, and identifying zones with associated guidance for development in Longden.</i>
6.1.9	To date, within the Parish as a whole according to Development Management records, the number of approvals has already exceeded the guideline provision.

6.1.10	According to the Shropshire Council Five Year Supply Statement published March 2019, there were 20 completions across the Parish between 2011 and 2018. A further 41 sites had planning permission or Prior Approval as at March 2018.
6.1.11	SAMDev Plan MD3 (2) states <i>2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:</i> <i>i. The increase in number of dwellings relative to the guideline; and</i> <i>ii. The likelihood of delivery of the outstanding permissions; and</i> <i>iii. The benefits arising from the development; and</i> <i>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</i> <i>v. The presumption in favour of sustainable development.</i>
6.1.17	Objections received have referred to two previously unsuccessful applications for housing on land between Manor Lane and Plealey Lane. This land is the larger part of the same field in which the current application is located. The northern boundary of the application site is yet undefined without any natural feature to contribute to boundary formation. Beyond, there was an outline application for 35 dwellings in 2014 (14/01704/OUT). There was also an outline application for a maximum of 20 dwellings in 2015 (15/00724/OUT). Both were refused by Shropshire Council and the former dismissed at appeal. Although these were substantially larger development proposals, and determined before the adoption of the current SAMDev Plan, they are considered to add weight against the principle of development.
6.1.18	Objections have raised concerns that if five dwellings are approved under 16/02395/FUL, it could lead to additional development to the north.
6.1.19	In terms of the planning balance, it is acknowledged the development will provide some social and economic benefits in the community. However the guideline numbers of Policy S16.2(xi) must be given weight in the planning balance. Approval of this development would result in the housing guideline for Longden village being met. This could result in the exclusion of more suitable sites coming forward during the remaining eight years of the adopted SAMDev Plan period, and during the current review of the SAMDev Plan. Moreover, across the Parish as a whole, and plainly against the wishes of the Parish Council, approval of this application would result in the guideline figures being exceeded by some significant margin. There are examples of recent planning applications for housing development in the Parish which have not been supported by Officers due to housing guidelines of Policy S16.2(xi). This application not being supported in principle is consistent with other recent decisions in the Parish.
	It is acknowledged that Policy S16.2(xi) seeks relatively small housing developments with lower cost housing. The development proposed largely aligns with this aspiration. However amongst other factors these limited benefits are insufficient to weigh in favour of development.

6.2	Siting, scale and design
6.2.1	CS6 seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
6.2.2	The five bungalows proposed are set out in a linear pattern along a private access road to their front. All are of simple 3 bedroom construction, though each has a slightly different design and layout. Two have detached single bay garages- the remainder are integrated into the dwellings.
6.2.3	Separation distances and amenity space for the occupiers of each dwelling are considered sufficient. In as far as matters of siting and design are relevant, the development complies with CS6.
6.3	Visual impact and landscaping
6.3.1	Chapter 12 of the NPPF seeks to achieve well-designed places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
6.3.2	CS4 seeks to ensure that all development in Community Hubs and Community Clusters is of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies policy CS6.
6.3.3	CS6 also seeks to ensure that development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness. Moreover, MD2 seeks to respond positively to local design aspirations wherever possible, both in terms of visual appearance and how a place functions.
6.3.4	Being single storey dwellings, visual impact from longer range views is reduced. However still of concern is the assimilation of the development into the immediate setting and landscape. Only the southern boundary against Manor Lane is defined, along with the eastern boundary abutting the field edge and public footpath. The north and western boundaries do not follow an existing feature and are undefined in the much larger field. Details of boundary treatment have not been provided and there is no dedicated landscaping buffer immediately outside of the residential curtilages. Consequently, the development will be visually obtrusive and its layout is likely to be seen as an incongruous feature within the larger field. The development site cannot be accessed directly from a public highway. Although physically close to Longden, its character is somewhat detached due to the unsurfaced private lane access extending beyond the Manor Lane/Wellmead Lane junction. Only to that point Manor Lane is surfaced and footpathed.
6.3.5	In terms of layout, the development layout provides a turning head to the east, but the internal access road appears to be abruptly “cut” by the western boundary adjacent to Plot 5. Moreover, the western boundary of Plot 5 lies at an unnatural perpendicular angle to the north. For this reason the layout is visually unattractive in relation to boundary features, which do not in any event currently exist.

6.3.6	The site is not easily accessible for construction traffic. It is acknowledged the track for this purpose would be a temporary feature and its use/reinstatement could, if planning permission were granted, be controlled by a construction management plan. However it should also be recognised that even for a temporary period, the track would cross well in excess of 200m open farmland, and require two new openings in existing hedgerows. During its construction, use, and latterly, reinstatement, there would inevitably be some visual harm and disturbance to the amenity of local residents. This harm, contributes to the overall visual impact.
6.3.7	For reasons set out above the development conflicts with the NPPF, CS4, CS6 and MD2.
6.4	Trees
6.4.1	The NPPF seeks to conserve and enhance the natural environment and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.
6.4.2	CS17 (Environmental Networks) seeks to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
6.4.3	MD12 goes further and seeks to ensure proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on important woodlands, trees and hedges will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.
6.4.4	The following trees were identified in the original submission T1- veteran protected oak adjacent to site entrance with RPA extending underneath access track so directly affected T2- veteran ash on eastern boundary. RPA not affected by development T3- veteran protected oak. Development reduced from 7 to 5 dwellings to remove conflict T4- oak with roots extending underneath Manor Lane but unaffected by development H5- native hedge on north side of Manor Lane extending west from field gate access. Some of this hedge will be lost only to enable sufficient vehicle width of access.
6.4.5	An arboricultural survey has been submitted, and updated to reflect the alternative construction access from the north. The only tree potentially affected is the veteran oak at the access and to a small extent the hedge H5. In the case of harm to H5, this, on balance is considered acceptable. Although some additional hedge would be lost to facilitate the temporary access, conditions could be imposed to secure effective re-establishment when no longer required.

6.4.6	The Council's Trees Officer has assessed the latest proposal and commented no objection.
6.5	Drainage
6.5.1	Since a mains sewer connection will not be possible without interference to the roots of T1, a Klargestor Treatment plant is proposed, to be positioned at the eastern end of the site- equating to a position adjacent to the existing field gate. The specification, together with soakaway details have been assessed to the satisfaction of the Council's Flood and Water Management Team. Proposals for surface water run-off are also considered acceptable.
6.5.2	Drainage proposals have also been assessed by the Trees Officer who has confirmed will not harm the roots of existing trees.
6.6	Highways
6.6.1	At least in part, CS6 requires that all development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11;
6.6.2	Prior to the latest alternative access route, Council Highways had no objection to the proposals. All traffic would have been routed via Manor Lane. The alternative access route has drawn comments from Highways, though have since been clarified by the Area Manager (Developing Highways). It appears the planning history may not have been fully established in consultation comments. Although further information may have been beneficial to support the application, the Area Manager has confirmed there are no grounds to justify refusal on account of the absence of that information.
6.6.3	It is worth noting that according to the latest amended planning statement, the current unadopted lane will be improved. Given that the lane is owned by a third party who has objected to the development, it is unclear how permission will be secured to deliver the envisaged improvements.
6.7	Ecology
6.7.1	Although an ecology report has been submitted, it has been noted by the Ecology team of the Council that the report does not extend to the area covered by the alternative access track from Plealey Lane. The agent for the application has been made aware of this, but an updated report has not been provided as recommended. Accordingly, and as noted in the ecology consultation response, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
6.7.2	In terms of the risk to ecological matters, the development therefore fails to comply with the NPPF, MD12 (Natural Environment) of the adopted SAMDev Plan, and CS17 of the Core Strategy.
7.0	CONCLUSION

7.1	In terms of housing numbers, it is not considered overall in the planning balance that a further five dwellings can be accommodated within housing guidelines specified in SAMDev Policy S16.2 (xi). Significant weight against the development is given due to the absence of an existing field boundary, and absence of proposals to effectively assimilate the development into the landscape, contrary to CS4, CS6, MD2 and MD3. Some weight against the development is also given due to construction arrangements. Overall the development is not considered to comply with the requirements of the NPPF, in particular Chapters 2 and 12.
7.2	Due to the absence of a complete ecological report, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
7.2	Planning permission is recommended refused
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"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<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</p>

	against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.
8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.
9.0	Financial Implications
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 Settlement: S16 - Shrewsbury

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)
Councillor Gwilym Butler

Local Member

Cllr Roger Evans

ANNEX A Report considered by Planning Committee 28 September 2017



Committee and date

Item

Public

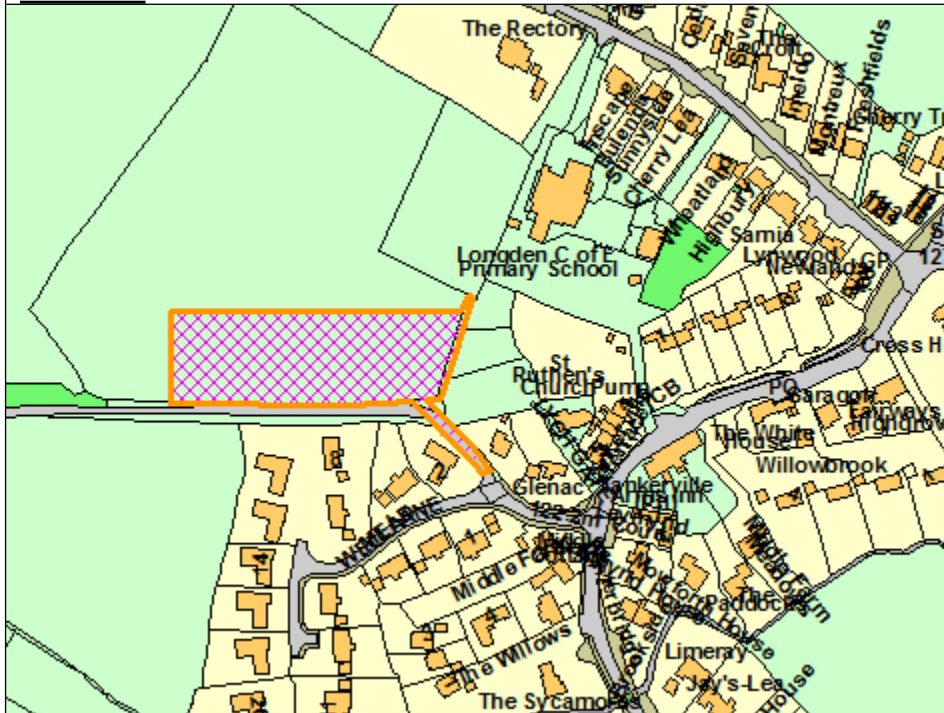
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

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

Grid Ref: 343992 - 306425

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

Recommended Reason for Approval

REPORT

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

4.1	Parish Council- objection
	<p>First comments received July 2016</p> <p>After discussion it as agreed that the Parish Council do not support this application for the following reasons.</p> <ol style="list-style-type: none"> 1. The access to the development has not been agreed with the Highways Authority .It is off an unadopted lane. The applicant does not own this lane and may not have the legal right to improve the lane to the required standard 2. There are concerns about the foul drainage. The application proposes a package treatment plant for this but there is no watercourse available for the outfall to be discharged into. This would therefore not be suitable for their purposes. 3. There are proposals to deal with surface water drainage by the use of soakaways. There are 7 properties proposed and the quantity of water from them would be considerable and there is no indication of how the improved part of the unadopted lane would be drained. 4. There is a mature Oak tree which would be disturbed by the provision of this development and the drainage channels which would need to be provided to deal with the surface water from the site. 5. The development is in conflict with CS6 as this development extends development into the countryside. 6. The development is not within the area identified for some dev elopement within the village. 7. The proposal is in conflict with CS6 as it does not reflect or enhance the natural or built environment or reflect the character of the locality. 8. It is not sustainable as it fails to meet the social and environmental elements of sustainable development as expressed in the NPPF. <p>Further comments received March 2017</p> <p>It is clear that, in providing access to the site over the private road off Manor Lane, in the manner proposed in the application, the veteran oak tree (T1 in the Tree Report) would be damaged. No information has been provided to demonstrate that foul and surface water drainage can be properly connected to the mains sewerage systems and in connecting the required services further damage to this protected local landmark would undoubtedly take place. The proposed bridging of the roots appears completely impractical and we are concerned that this bridge would further damage the tree and make vehicular access to the well-used private drive hazardous. It also appears to anticipate a 'step' in the highway or the re-grading of the public highway, which has not been detailed.</p> <p>* We cannot understand why a small development of five properties would need an access road with such a large hammer head. Each of the proposed properties has a turning space and thus there is no need for a hammerhead turning space unless it is to provide access at a later date, for further housing development in the field behind. Development on this field has been refused, appealed and turned down again and this proposed hammer head appears to be a barefaced ploy to provide access in the future.</p> <p>* The 1990 Town and Country Planning Act says that applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. As far as the Parish Council can see, no</p>

'other material consideration' have been advanced that would justify setting aside the development plan and so, if the proposal conflicts with the development plan, it should be refused. The proposal is, in the Parish Council's view, in clear conflict with the 'development' plan.

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

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

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

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

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

- * Policy MD3 says the Council will support development that is set out in policies S1 - 18, and in terms of the housing guidelines contained in policies S1 - 18 that the guideline is a significant policy consideration. Where it appears that the number of completions plus outstanding permissions are likely to provide more houses than the guideline suggests decisions should be made in relation to the increase in the numbers proposed, the likelihood of delivery of the other dwellings, any benefits that might accrue, the impact of the development, including cumulative impact, and the presumption in favour of sustainable development. The Parish Council is very concerned that the number of permission granted for development in Longden will significantly exceed that set out in the guidelines, and that the proposed development will not bring the sort of benefits that the village needs. It cannot be regarded as sustainable development and should, therefore, be rejected.

	<p>The Parish wish to see developments of primarily 2 - 3 bedroom properties, which are of lower cost and suitable for younger families. This was highlighted in the Parish Plan of 2010, and is part of the development statement that was integrated onto the SAMDev. Policy S16.2(xi) is a direct interpretation of the wishes expressed by the Parish Council at the time the SAMDev was being prepared. It clearly identified the number, type and size of properties that were considered to be needed in the village. The proposed development does not produce the form and type of development that would be in line with Policy S16.2(xi) and should therefore, be rejected.</p> <p>* The application site forms part of a larger enclosure that was the subject of two appeals in 2015. Both were dismissed because the proposed development was regarded as being unsustainable, particularly in respect of the environmental dimension of sustainability as set out in the NPPF. Manor Lane is an area of open countryside that is treasured by the villagers for walks into the rural area and exercising dogs etc. We believe that the proposed development would have an adverse effect on the visual aspect and use of this amenity.</p> <p>* We feel that this proposed development would change and spoil the visual aspect of this part of the village and would also make the permitted footpath over the land untenable. This alone would be grounds for refusal under Policy CS6.</p>
4.2	<p>Highways- no objection subject to conditions and informatives</p> <p>The development site is accessed via a narrow private lane leading from Manor Lane. Manor Lane also serves a small housing estate road, Well Mead Lane. Manor Lane forms a junction with Longden Road, a class C urban road governed by a 30 mph speed limit. Visibility at this junction is acceptable. A Public Right of Way runs along the private lane past the proposed access point.</p> <p>A large oak tree is located on the western side of the lane between Manor Lane and the proposed new access and a root protection construction method will be used in this area. The new access driveway will remain private. At the proposed new access point the verge widens out and the opportunity exists to extend the access area to provide a passing place.</p> <p>The application, originally for seven dwellings now proposes five dwellings from a single access point onto the private lane. It is considered that the traffic likely to be generated by five dwellings can be accommodated within the constraints of the access to Manor Lane.</p>
4.3	<p>Conservation- no objection subject to conditions</p> <p>Thank you for consulting Conservation on the above application. We will not be commenting in full in this case however:</p> <ul style="list-style-type: none"> -The proposed development site lies on the western edge of the village of Longden on an area of currently undeveloped farmland. -The grade II listed church of St Ruthen lies to the east of the site, although is relatively well screened from the development site by its surrounding church yard, trees and hedging. As such, there would not be direct inter-visibility between the listed church and the development site as currently proposed, and therefore the direct impact on the character and setting of the church would likely be considered to be neutral. Nevertheless, the currently undeveloped area of farmland does contribute to the wider open and rural setting of the church, and lies adjacent to what appears to have been a historic route into the churchyard and across to its associated Rectory to the north.

	<p>-If consent were minded to be approved we would recommend that conditions are placed on all external materials and landscaping/boundary treatments, to ensure the development does not appear out of context with its surroundings.</p> <p>-We would also note that should further development be considered on the site, extending further to the north, the impact on the character and setting of the listed church would need further consideration and we would recommend that a heritage impact assessment be undertaken to assess the impact on views into/ out of the church etc.</p>
4.4	<p>SUDS/Flood and Water Management</p> <p>Case Officer Comment: Initially a connection to mains foul water disposal was proposed. This scheme was dispensed with on account of possible damage to tree roots. Instead a package treatment plant is proposed.</p> <p>Drainage Comment (9 Aug 17):</p> <p>1. Only the summary of the soil infiltration rates have been provided. Full details of the percolation tests including how they were carried out, observed results, size, depth of the trial pits, depth of water been filled into the trial pits, groundwater table and subsequent soil infiltration rate calculations should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). The lowest soil infiltration rate should be used in the soakaway calculations. A longitudinal section of the proposed foul water drainage system should be provided to ensure that there is no backfall from the foul water soakaway. Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.</p> <p>2. No details and sizing of the proposed surface water soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Full details, calculations, dimensions of the soakaways and the percolation tests should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. The appropriate allowance for urban creep of 10% must be included in the design of the proposed surface water drainage system over the lifetime of the proposed development.</p> <p>3. Design of the storage of the Formpave Aquaflo blockpaving should be submitted for approval. Reason: To ensure that the proposed permeable paving systems for the site are fully compliant with regulations and are of robust design.</p> <p>Further comments received (10 Aug 17) Since this site is so contentious, we should request the drainage information in my drainage comments dated 9 August 2017 prior to the determination of the planning permission. My drainage comments should cover the design of the proposed surface and foul water drainage and the SC Trees should be consulted if the location of the proposed drainage systems will have any effect on the root protection.</p>

	<p>Case Officer comment- further information has been received from the applicant which has attracted the following from SUDS team:</p> <p>The proposed surface and foul water drainage systems are technically acceptable.</p>
4.5	<p>Ecology- no objection subject to conditions and informatives</p> <p>An ecological assessment was carried out on this site in May 2016 by Greenscape Environmental. Much of the site formed part of a much larger planning application site which was surveyed in 2014.</p> <p><u>Habitats</u></p> <p>The site consists of an arable field with species-poor hedgerows along the southern and western boundaries. There is a mature oak tree at the western edge of the southern hedgerow.</p> <p>The landscaping scheme should include some native hedgerow and tree planting to enhance the ecological value of the site.</p> <p><u>Great crested newts</u></p> <p>The report states that there is one unmapped pond 'within 500m of the site', but goes on to talk about two ponds within the school grounds. (To add to the confusion, section 4.2.3 of the report is entitled 'Ponds School site and Ponds 1 and 2', which suggests that there are three ponds!) Despite the report-writing errors, I have ascertained that there are two ponds within the school grounds.</p> <p>Pond 1 lies approximately 105m from the site boundary. 'Anecdotally it is known that great crested newts have historically been recorded in [this pond].' A Habitat Suitability Index assessment was carried out on this pond in 2014 (to support planning application 14/01704/OUT) and this calculated the pond as having Below Average suitability to support great crested newts. Despite this – perhaps due to the proximity of the proposed development – presence/absence surveys were carried out in spring 2014. Smooth newts and common frogs were recorded but no great crested newts were recorded.</p> <p>The 2014 survey is considered to be in date and so an update is not considered necessary.</p> <p>Pond 2, which 'is situated close to the school buildings', is a small, shallow pond with 'poor invertebrate numbers' and containing 'a large amount of leaves'. The pond 'was torched and netted on one occasion' in spring 2014 and no great crested newts were recorded. This was considered to be sufficient survey effort given the low suitability of this pond to support created newts and further consideration of this pond is not required.</p> <p>Section 6.4 of the report contains a Reasonable Avoidance Measures method statement which should be followed in full during the works to ensure that great crested newts (and other amphibians) are not harmed during the development.</p>

	<p><u>Bats</u></p> <p>The mature oak tree in the southern hedgerow has some potential to support roosting bats. Should any be required to this tree in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.</p> <p>The boundary hedgerows are likely to be used by foraging and commuting bats.</p> <p>Bat boxes should be erected on the new buildings to enhance the roosting opportunities for the local bat populations.</p> <p>New lighting on the site should be sensitive to bats and avoid illuminating the mature oak tree, boundary hedgerows and the location of bat and bird boxes. The Bat Conservation Trust's guidance on lighting should be followed.</p> <p><u>Birds</u></p> <p>House sparrow, blue tit and blackbird were recorded during the survey.</p> <p>The hedgerow is likely to be used by nesting birds. Any hedgerow removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and no works can commence if any active nests are present.</p> <p>Bird boxes should be erected on the new buildings to enhance the nesting opportunities for the local bird populations.</p> <p><u>Other species</u></p> <p>No evidence of any other protected or priority species was observed on the site and no additional impacts are anticipated.</p>
4.6	<p>Rights of Way- no objection informatives only</p> <p>Public Footpath 33 Longden has been correctly identified on the block plan. The legally recorded line of the path will not be affected by the application. It is noted that it is proposed to surface part of the route with macadam to provide a suitable path to the adjoining school. There is no objection to the upgrading of the surface of the route to a minimum width of 1.8 metres. It is also noted that the new access to the proposed development will cross the line of the public footpath and it would be advisable to erect signage to alert drivers of vehicles entering and leaving the site that the footpath crosses the access. Please note that if the public footpath cannot be safely kept open during the development of the site/surfacing of part of the route, the applicants should apply to the Mapping and Enforcement Team for a temporary closure of the route. Please ensure that the applicants adhere to the following criteria in respect of the footpath:-</p> <p>Please ensure that the applicant adheres to the criteria stated below:</p> <ul style="list-style-type: none"> · The right of way must remain open and available at all times and the public must

	<p>be allowed to use the way without hindrance both during development and afterwards.</p> <ul style="list-style-type: none"> · Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times. · Building materials, debris, etc must not be stored or deposited on the right of way. · There must be no reduction of the width of the right of way. · The alignment of the right of way must not be altered. · The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. · No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
4.7	<p>Trees- no objection subject to conditions</p> <p>Initial Comments are included for reference purposes</p> <p>I have reviewed the additional information provided with this application, particularly revision C of the site layout plan, updated utilities services plan and the additional arboricultural report and would make the following comments:</p> <p>The revised site layout moves the dwellings and internal roads and driveways outside of the Construction Exclusion Zone and away from the areas that may be influenced by trees, through shading or other factors. I therefore would have no objections in terms of the proposed site layout.</p> <p>The utilities services plan indicates that electrical power and fresh water are available to the north of the site and this supports the applicants assessment that these can be connected without impacting on the CEZ around the trees. I can find no further details on the site drainage so the previous comments would still stand, unless it is demonstrated that the site can be connected to the main sewers or to an on-site treatment facility without the need to traverse the Root Protection Areas/CEZ around the trees.</p> <p>The main issue and concern is around the site access to the highway, which seeks to use an existing section of unsurfaced track currently servicing Longden Manor. The track passes over the RPA of a significant veteran tree and if this track was upgraded using standard construction methods, then substantial damage to the root system could be expected. To this end it is proposed that the new road will bridge the RPA and this will be constructed in a way that will not significantly damage the tree's root system. The additional arboricultural report has provided a detailed performance specification for the proposed bridging section, along with a detailed method statement for installing this structure whilst protecting the tree. Essentially the proposed bridging section will comprise a pre-formed reinforced concrete slab, placed on top of concrete bearers formed in situ in the existing roadway. The concrete bearers are to be positioned where there is little root activity (established using geo survey techniques) and contingency plans allow for larger roots to be retained and routed through these structures, protected by plastic sheaths, if necessary. The bearers are 800mm wide and up to 4100mm in length with between 7 – 8 units within the RPA of the tree. This would affect a total of approx. 27m² of the RPA at a point where fine root growth would be limited. The Performance Specification also specifies a ventilation system to allow gas exchange and proposes work to remove the existing track surface and improve rooting conditions in the areas between the concrete bearers. I have reviewed this and, subject to some minor amendments to require that hand excavation is undertaken using an air-spade and or vacuum system and that soil and foliage</p>

	<p>testing is undertaken before adding any fertiliser to the site, consider that it is a reasonable strategy that would significantly minimise risk of harm to the tree. However, before I could be fully satisfied that all concerns regarding the tree had been satisfactorily addressed, I would require confirmation from a structural engineer that this approach would be suitable and feasible in this situation, the exact specification, including the positioning of the bearers and the 'root system map' indicating the position of the significant roots, that the structure could be installed without requiring tree branches to be cut back, that adequate height clearance over the road, meeting with highway requirements could be provided without need to significantly prune the tree and that no services would be installed with the RPA of the tree.</p> <p>Further and final comments received</p> <p>Further to our conversation I have reviewed the additional details provided by the applicant in respect of the 'no dig' road over the RPA of the veteran oak tree. The engineering information provided by the applicant would appear to support the construction of this type of road in this situation. I would note that this appears to be a generic design rather than the site specific one requested and as such is not designed with consideration of the actual spread and distribution of the roots of this tree. That said, given that the existing track is highly compacted and unlikely to contain extensive rooting, it may be reasonable to expect that the design could be modified should occasional large roots be found in any of the excavation points. From an arboricultural perspective, the only remaining consideration is if the road described can be installed in the proposed location once the geo assessment described in the supporting information has been undertaken and the actual position of any roots mapped and in a way that would ensure that height clearance between the road and tree is available to allow large vehicles to pass beneath the tree. If it can, then there could be no further reasonable objection to this development on arboricultural grounds. If the bespoke design of the road can be conditioned in a way that prevents development unless the design is acceptable and meets the standards presented in the submitted report, then the objection to this development would be withdrawn.</p> <p>Case Officer comment: The Trees Officer has also assessed the final drainage plans and confirmed they are mutually compatible with tree protection measures.</p>
4.8	Ramblers Association- no comments received
4.9	Public Comments
	Longden Village Action Group (LVAG)
	<ul style="list-style-type: none"> a) The proposed development at Manor Lane Would represent a significant increase in the number of dwellings proposed for Longden relative to the 'settlement guideline,' b) There appears every chance that all of the proposals for development in Longden and in the Cluster will, indeed, be constructed, c) The proposed development would not bring significant benefits to the local community,

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

	<p>The owner of Longden Manor has objected to the development</p> <ul style="list-style-type: none"> ❑ Loss of quality agricultural land ❑ Site detached from rest of village ❑ Hammerhead design of access road indicative of further development intentions ❑ Will harm the peaceful setting of the Church and those who visit the church yard ❑ Shropshire Council already has a 5 year supply according to SAMDev
5.0	THE MAIN ISSUES
	<p>Principle of development Siting, scale and design of structure Visual impact and landscaping Trees Drainage Highways</p>
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	Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.
6.1.3	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.4	The Council published a Five Year Housing Land Supply Statement on 11 Sept 2017. The Statement confirms that as of 31 March 2017, the Council has 6.04 years supply of deliverable housing land therefore the development plan is considered up to date.
6.1.5	The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the Parish of Longden has opted to be a Community Hub and Cluster settlement in the SAMDev Plan where, under CS4, some residential development is supported.
6.1.6	<p>CS4 states that in the rural area, communities will become more sustainable (in part) by:</p> <ul style="list-style-type: none"> • <i>Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these</i>

	<p><i>settlements unless it meets policy CS5;</i></p> <ul style="list-style-type: none"> • <i>Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement</i>
6.1.7	CS4 refers to SAMDev to identify Community Hubs and Clusters and is dealt with by MD1 (Scale and Distribution of Development) and MD3 (Delivery of Housing Development).
6.1.8	<p>Policy S16.2(xi) states:</p> <p><i>Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green are a Community Cluster in Longden Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings, 25-30 are to be in Longden village, with the remainder spread evenly amongst the other Cluster settlements. The Parish Council has adopted a Longden Parish Development Statement (2013) as an addendum to the Parish Plan (2010), indicating that no individual site should be of more than 10-15 houses and a preference for lower cost 2-3 bedroom properties, and identifying zones with associated guidance for development in Longden.</i></p>
6.1.9	To date, within the Parish as a whole according to Development Management records, 56 dwellings or thereby have been approved since 2006, 20 of which are in Longden village itself. The remainder are spread through the Cluster settlements mainly in groups of 1-3 dwellings, aside from 13 dwellings approved by way of SA/08/1194/O (2008) and 14/00088/REM (2014). The latter development nears completion.
6.1.10	According to above, approvals in the Parish have already exceeded the guideline provision by 6. Within Longden village, there appears to be scope for a further 10.
6.1.11	<p>SAMDev Plan MD3 (2) states</p> <p><i>2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:</i></p> <ul style="list-style-type: none"> <i>i. The increase in number of dwellings relative to the guideline; and</i> <i>ii. The likelihood of delivery of the outstanding permissions; and</i> <i>iii. The benefits arising from the development; and</i> <i>iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and</i> <i>v. The presumption in favour of sustainable development.</i>
6.1.12	Reference is made to an undetermined outline application for 12 dwellings (with matters of access only) on land immediately to the west of the Rectory on Plealey Lane (16/03406/OUT). If approved and ultimately delivered, there is therefore the prospect of an additional 17 dwellings to the figure of 56 mentioned above, taking the Parish total to 73, including 37 for Longden village.

6.1.13	However in terms of housing numbers and cumulative impacts, significantly less weight is given to 16/03406/OUT since it was made in outline. Moreover some 6 months after a resolution to approve, a Section 106 agreement has yet to be agreed. SAMDev Plan MD3 requires only completions and outstanding permissions to be taken into account when considering guideline figures which have been exceeded.
6.1.14	It is likely that some of the existing approvals will be not implemented- indeed the Council's Five Year Housing Land Supply Statement (Sept 17) uses a 10% discount rate in relation to delivery.
6.1.15	Being for only 5 dwellings, no affordable housing is required either by on site provision or commuted sum. There is no requirement for a Section 106 agreement. If approved, the application is considered deliverable, which weighs in its favour in the context of MD3.
6.1.16	In terms of cumulative impacts, the vast majority of approvals are for either one or two dwellings, and only one above six. There is not considered to be a significant cumulative impact when considering the 13 dwelling scheme opposite Longden Village Hall on the eastern side of the village.
6.1.17	Objections received have referred to two previously unsuccessful applications for housing on land between Plealey Lane and Manor Lane. The first was an outline application for 35 dwellings in 2014 (14/01704/OUT), The second was an outline application for a maximum of 20 dwellings in 2015 (15/00724/OUT). Both were refused by Shropshire Council and the former dismissed at appeal. These were substantially larger development proposals, determined before the adoption of the current SAMDev Plan. It is not considered that they have established the principle against development.
6.1.18	Objections have also raised concerns that if five dwellings are approved under 16/02395/FUL, it could lead to additional development pressure on remaining land to the north. This concern is not a material planning consideration and is not considered relevant to this application, which has to be decided on its own merits.
6.1.19	In terms of the planning balance, the social and economic benefits of this proposal are considered sufficient to establish the principle of development, after taking account of MD3(2). Approval is subject to further environmental considerations which are listed as main issues below.
6.2	Siting, scale and design
6.2.1	The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.2.2	CS6 seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
6.2.3	MD2 seeks to ensure that development responds positively to local design

	aspirations, wherever possible, both in terms of visual appearance and how a place functions, and contributes to and respects locally distinctive or valued character and existing amenity value.
6.2.4	The five bungalows proposed are set out in a linear pattern along a private access road to their front. All are of simple 3 bedroom construction, though each has a slightly different design and layout. Two have detached single bay garages- the remainder are integrated into the dwellings.
6.2.5	Separation distances and amenity space for each dwelling are considered sufficient and in accordance with CS6.
6.3	Visual impact and landscaping
6.3.1	Being single storey, visual impact is reduced, and subject to a strong landscaping condition, it is considered that the development can be integrated into the field without appearing unduly prominent.
6.4	Trees
6.4.1	The NPPF seeks to conserve and enhance the natural environment and states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
6.4.2	CS17 (Environmental Networks) seeks to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment.
6.4.3	MD12 goes further and seeks to ensure proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on important woodlands, trees and hedges will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.
6.4.4	The following trees were identified in the original submission T1- veteran and protected oak adjacent to site entrance with RPA extending underneath access track so directly affected T2- veteran ash on eastern boundary. RPA not affected by development T3- veteran protected oak. Development reduced from 7 to 5 dwellings to remove conflict T4- oak with roots extending underneath Manor Lane but unaffected by development H5- native hedge on north side of Manor Lane extending west from field gate access. Some of this hedge will be lost only to enable sufficient vehicle width of access.

6.4.5	Given the above, the only tree affected is the veteran oak at the access and to a small extent the hedge H5. In the case of H5, this, on balance is considered acceptable.
6.4.6	Standard construction methods to the access and associated development traffic could harm the health of the protected oak.
6.4.7	The proposed platform will comprise a pre-formed reinforced concrete slab, placed on top of concrete bearers formed in situ in the existing roadway. The concrete bearers are to be positioned where there is little root activity (established using geo-survey techniques) and contingency plans allow for larger roots to be retained and routed through these structures. The bearers are 800mm wide and up to 4100mm in length with between 7-8 units within the RPA. This specification has been reviewed by the Council's Tree Officer and is acceptable subject to excavation with an air spade or vacuum system.
6.4.8	Concerns have been raised that the root platform will be visually harmful to the setting of Manor Lane. The platform will increase the height of the road by approx 430mm. With the carriageway raised at the height proposed, visual impacts are not considered significant.
6.4.9	Although an exact site specific specification has not been submitted, the Trees Officer has further commented that the track is likely to be highly compacted and unlikely to contain extensive rooting. He has agreed that the design could be modified in the event occasional large roots are found.
6.4.10	A cross section of the platform has been supplied. From either end of the bridge surface, the road will connect to existing track levels at a gradient of 1:15.
6.4.11	Concerns have been raised that the platform may interfere with the access to an adjoining dwelling on the north side of Manor Lane (The White House). The applicant has indicated that the precise extent of tree roots and the resulting platform will be determined by a geophysics survey (which includes ground penetrating radar) as required by proposed tree condition. The applicant has also stated that the adjoining dwelling and its access is higher than the road surface. Although this issue has been taken into account, the solution to any interference would be a civil matter between respective landowners.
6.5	Drainage
6.5.1	Since a mains sewer connection will not be possible without interference to the roots of T1, a Klargestor Treatment plant is proposed, to be positioned at the eastern end of the site- equating to a position adjacent to the existing field gate. The specification, together with soakaway details have been assessed to the satisfaction of the Council's Flood and Water Management Team. Proposals for surface water run-off are also considered acceptable.
6.5.2	Drainage proposals have also been assessed by the Trees Officer who has confirmed will not harm the roots of existing trees.

6.6	Highways
6.6.1	At least in part, CS6 requires that all development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11;
6.6.2	The root protection system proposed has been assessed as acceptable. Council Highways also consider that the traffic generated from five dwellings can safely be accommodated within the constraints of the access to Manor Lane.
7.0	CONCLUSION
7.1	In terms of housing numbers, it is considered that a further 5 dwellings can be accommodated within housing guidelines specified in SAMDev Policy S16.2 (xi).
7.2	The site represents encroachment into a larger agricultural field, however the benefits of additional housing provision in the Parish outweigh the limited environmental harm. The dwellings will all be 3 bedroom properties as per S16.2(xi) with limited visual harm due to being single storey. With appropriate landscaping required by condition the dwellings can be integrated into the landscape and setting of Longden. No technical objections have been raised from the Trees Officer in respect of tree or root protection measures and drainage proposals are considered satisfactory. Accordingly the development is considered to require with the provisions of the NPPF, CS4, CS5, CS6, CS17, MD1, MD3, MD7a, MD12, MD13 and S16.2(xi).
7.3	Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to</p>

	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
	<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

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

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

11. Additional Information

[View details online:](#)

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

Cllr R. Macey

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions
