



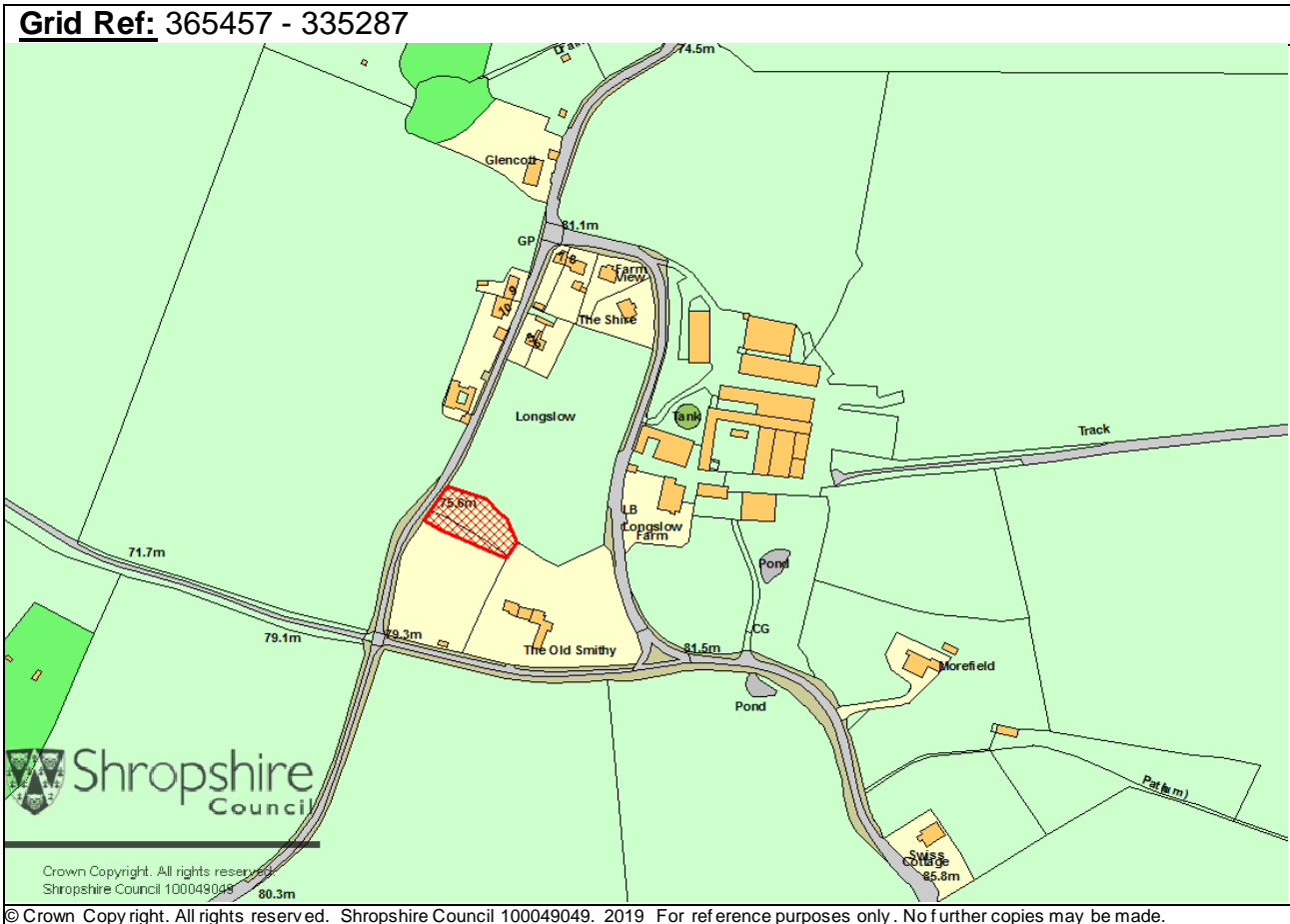
Committee and date  
 North Planning  
 7<sup>th</sup> November 2023

**Development Management Report**

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

**Summary of Application**

<b>Application Number:</b> 23/03515/OUT	<b>Parish:</b>	Morton Say Parish Council
<b>Proposal:</b> Outline application for the erection of a single two-storey dwelling to include access.		
<b>Site Address:</b> Land North West of The Old Smithy, Longslow, Market Drayton, Shropshire, TF9 3QY.		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Richard Denison	<b>Email:</b> richard.denison@shropshire.gov.uk	



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

# REPORT

## 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of a residential dwelling on a plot of land within the settlement of Longslow. Access is included for approval at this outline stage which includes the provision of a new vehicular access to serve the dwelling. Matters of layout, scale, appearance and landscaping are all reserved for later approval. To assist the consideration of the application an indicative site layout plan has been provided. The indicative dwelling layout plan is for information and illustrative purposes only (other than access provision). The application indicates that foul drainage will be dealt with via a package treatment plant, whilst surface water would be disposed of via soakaways.
- 1.2 This application has been accompanied by a number of detailed supporting statements including a Design & Access Statement; Heritage Impact Statement; Arboricultural Report; Preliminary Ecological Appraisal; Great Crested Newt Survey; Environment Agency Flood Report; Drainage Data (including Surface Water Storage Requirements and Greenfield Runoff Rates); and Surface Water Drainage Proforma Statement.
- 1.3 This application has been subject to a formal pre-application enquiry which indicated that Longslow was identified as part of a Community Cluster along with Bletchley, Longford and Moreton Say (application reference PREAPP/22/00519). The decision indicated that the Site Allocations and Management Development (SAMDev) Plan allows for 20 new dwellings across the cluster on suitable sites where they are considered infilling, conversions or small groups of houses. It was confirmed that in principle there would be no objection to a residential development on this site.

### Amendments

- 1.4 An amended site layout plan has been received during the consideration of the application which demonstrates the proposed visibility splays and radii for the access and indicates the provision of a dwelling 10 metres wide by 8 metres deep with a single storey element to the rear. The layout plan indicates the retention of the existing pond on site and removes an indicative triple garage. Three car parking spaces and a driveway are proposed with a new native hedgerow along the new south field boundary and behind the proposed visibility splays. The existing mature trees along the northern boundary will be retained.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the southern side of the small hamlet of Longslow. Within the SAMDev Plan Longslow is identified as part of a Community Cluster. The site extends to approximately 0.14 hectares and is part of an enclosed area of land adjacent to a group of trees. The site has road frontage and is bounded by a rural Class III road to the west. The Class III road is subject to the national speed limit. Otherwise the site is bounded to the north by mature trees, the residential garden associated to The Old Smithy to the east, and a paddock to the south.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Area Planning Manager in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues (in particular in relation to the setting of a listed building), and thus the application should be determined by committee

## 4.0 COMMUNITY REPRESENTATIONS

### 4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - No objection is raised subject to safeguarding conditions regarding parking and turning, visibility splays, access layout and set back of gate, and access apron construction in accordance with Council specification.
- 4.1.2 **Shropshire Council, Trees** - There are 7 trees proposed to be removed to facilitate this development including 3 category 'B' trees, one at the access and 2 internal. None of the trees are protected or exceptional specimens in the landscape and form a garden group in a rural location. There is a screening effect from the adjacent development site. The Old Oak Tree Care Report and Arboricultural Impact Assessment indicates that the removal of the trees can be mitigated with new planting. Nine new native trees are proposed including Oak, Scots Pine and small leaved Lime.
- 4.1.3 **Shropshire Council, Housing** - If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre-dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.
- 4.1.4 **Shropshire Council, Ecology** - No objection is raised subject to safeguarding conditions regarding the provision of a District Level Licence for Great Crested Newts, landscaping, provision of bat and bird boxes, and provision of external lighting to be agreed.
- 4.1.5 **Shropshire Council, Drainage** - No objection is raised subject to a condition regarding full details of the surface water drainage and package treatment plant for foul water drainage being approved and implemented prior to occupation.
- 4.1.6 **Shropshire Council, Conservation** - Having reviewed the additional and amended information, re-examined the previously submitted information, Officers make the following further comments:
- There is still no surety with regard to the palette of materials, design, scale or massing or indeed siting of the proposed dwelling on this site, as it is still in outline with all matters other than access reserved.
  - Indicative site plan has been submitted which shows a revised siting of the proposed dwelling, has removed the proposed large garage building but has indicated a shed on the site, with no reference to its purpose or justification.

As an indicative site plan no weight can be given to it or any of the information contained therein, although it seems to have responded the previous Historic Environment Team comments made.

- Several other documents have been submitted which seek to indicate Design Palette and Materials Palette. Both documents show many different types and forms of design and materials but as per comments made above, this is all indicative and no weight can be given to them or the information contained therein.

Therefore, overall there is no surety as to the level of harm that may be caused to the significance of the Designated Heritage Asset (The Old Smithy a grade II listed dwelling) as a result of the proposed development, all the information is indicative bar the access arrangements. In this instance Officers cannot make an informed assessment due to the lack of categoric details and information to enable such an assessment to be made and therefore there is no sound basis upon which harm can be weighed against public benefits of the scheme.

4.1.7 **Shropshire Council, Archaeology** - The proposed development site is located within the historic core of the hamlet of Longslow, which is understood to have been present by Domesday and therefore to have early medieval origins. The site is also located immediately south of a group of archaeological earthworks (HER PRN 36027), which are interpreted as a possible holloway and building platforms of potential medieval date, which were identified through survey work in 2020. As a consequence, the proposed development site is considered to have moderate to high archaeological potential. In view of the above, and relation to Policy MD13 of the Local Plan and Paragraph 205 of the National Planning Policy Framework, it is advised a phased programme of archaeological work is made a condition of any planning permission for the proposed development.

4.1.8 **Morton Say Parish Council** - The Parish Council objects to this planning application as it has serious concerns regarding both the access and flooding. This is a very narrow lane and with bad visibility and the Council is therefore concerned about the access. This land also has bad drainage with a drain under the road regularly flooding and in bad weather there is continuous floods. The Parish Council would also like to make the point that this planning application is within the curtilage of a listed building.

## 4.2 **Public Comments**

4.2.1 No public representations have been received.

## 5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Impact on Listed Building
- Highways
- Impact on Trees
- Ecology
- Drainage

- Flooding

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

- 6.1.1 Longslow is a small rural settlement characterised by a modest number of interspersed dwellings and farm buildings located off a looping road forming part of an undulating rural landscape. Plot sizes and gaps between buildings vary and there is no dominant dwelling type or vernacular.
- 6.1.2 Policy CS4 of the Shropshire Core Strategy states that in the rural area, communities will become more sustainable by allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing, amongst other things, housing for local needs. Policy S11.2(ix) of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) identifies the settlements of Bletchley, Longford, Longslow and Morton Say as a Community Cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026. Within the villages of Bletchley, Longford and Longslow it is stated that limited infilling, conversions and small groups of houses may be acceptable.
- 6.1.3 No settlement boundary is provided for Longslow village as defined in the SAMDev Plan and it is for the decision maker to determine whether the site should be regarded as being within or outside of the settlement. The question of where the boundary might reasonably be considered to be is best assessed on the basis of the location of the existing dwellings and their relationship with each other.
- 6.1.4 When travelling from the north towards Longslow there is a general absence of built development. As you approach the settlement, farm buildings and dwellings come into view giving you the clear sense that you are entering Longslow. When travelling along Longslow Road from Market Drayton you pass two detached dwellings, an entrance to a certified campsite, and views of Longslow Farm. Soon after you meet the junction of the looping road in Longslow and views of The Old Smithy. When travelling along Longford Road from the south, built development appears far more disparate until you enter the looping road in Longslow. At the proposed access for the site views of 5 & 6 Longslow, new dwellings recently built, and Longslow Farm are seen. Glimpses of The Old Smithy are seen through the hedgerow as you approach.
- 6.1.5 The proposed site falls within an enclosed parcel of land adjacent to the residential curtilage of The Old Smithy and within the looping road of Longslow, whilst the mature trees along the northern boundary provide a sense of enclosure. Officers acknowledge that there is an agricultural field to the north and a paddock to the south and that there is no other roadside dwellings adjoining the site. However, Longslow is not considered a close knit settlement and there are areas of open land between buildings within the settlement. The looping road provides a clear containment of the settlement and officers considered that the proposed site logically and reasonably is considered to fall within the established limits of the settlement.

- 6.1.6 The Five Year Housing Land Supply Statement (2022) indicates that at the 31<sup>st</sup> March 2022 the Community Cluster of Bletchley, Longford, Longslow and Moreton Say had 7 dwellings completed and 32 sites with planning permission. This would be a significant increase over and above the guide of 20 dwellings in the Cluster, although this is not a maximum figure. However, the inspector in an appeal in 2019 for a single dwelling on land on the former Slaughterhouse in Longslow indicated that there was a total of 36 dwellings having been granted planning permission across the cluster (appeal reference APP/L3245/W/18/3211029). The inspector indicated that the appeal site was within the settlement of Longslow and that there was no substantive evidence regarding the likelihood of delivery of all the outstanding permissions and that they would all be implemented. Furthermore, the inspector indicated that the proposed scheme would only result in one additional dwelling which would not be a significant increase above the total granted planning permissions across the cluster.
- 6.1.7 Policy MD3 'Delivery of Housing Development' refers to settlement housing guideline and where development would result in the number of completions plus outstanding permissions providing more dwellings than the guide decisions will have to have regard to the increase relative to the guide; likelihood of delivery of outstanding permissions; benefits of the development; cumulative impact on the settlement; and presumption in favour of sustainable development.
- 6.1.8 Longslow settlement consists of 21 dwellings and has received planning permission for 7 dwellings since the start of the plan period, although 3 have not yet commenced. The above appeal decision is a material planning consideration in which the inspector considered that one additional dwelling would not be a significant increase across the cluster as a whole. The guideline is not a maximum and officers considered that the increase in one additional dwelling will have a negligible effect. Longslow is to be promoted as a community cluster under the emerging local plan which will allow for further housing growth in the settlement. The proposed dwelling will provide public benefits by increasing the supply of housing in this rural settlement which will help to support local services and facilities. The housing supply in Longslow has been gradual since the SAMDev Plan was adopted in 2015 and has allowed new housing to integrate into the settlement. Longslow is a sustainable settlement as defined by the NPPF and therefore a dwelling on this site would provide sustainable development.
- 6.1.9 Officers considered that the application site is within the settlement of Longslow and would therefore be an appropriate location for the proposed development and would comply with Policy CS4 of the Core Strategy, Policy MD3 and Policy S11.2(ix) of the SAMDev Plan.

## 6.2 **Design, Scale and Character**

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

6.2.2 The proposed site is 0.14 hectares and the indicative layout plan indicates the provision of a 2-storey dwelling which will be 10 metres wide by 8 metres deep with a single storey element to the rear. The dwelling will be set back 13 metres from the roadside which would enable the provision of a large driveway and parking area to the front. A large rear garden would be provided which would back onto the rear garden of The Old Smithy. A new boundary hedgerow is proposed along the southern boundary and road frontage, together with new replacement tree planting which will visually enhance this site.

6.2.3 A Material Palette has been submitted with the application indicating materials which would complement the appearance of dwellings in Longslow. These include the use of traditional red brick, render, natural slates, timber casement windows, stone cills, open Oak framed porch canopies and Oak doors. The use of these materials would in principle be acceptable. A Design Palette has also been submitted indicating a sample of house designs which are considered to be in keeping with the local vernacular. These include a mix of dwellings with single and double gable frontages, traditional two storey dwellings with symmetrical frontages, dwellings with front half dormer windows, and 'L' shaped dwellings with dormer windows. The scale and appearance of the dwelling will need to be carefully designed to be in keeping with this rural location.

6.2.4 The layout, scale, appearance and landscaping of the development would be considered as part of a subsequent reserved matters application.

### 6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Although part of the proposed site would adjoin the residential curtilage of The Old Smithy the nearest part of this dwelling would be positioned over 22 metres away from the site boundary and 45 metres from the rear elevation of the indicative layout. Having regard to the distance a dwelling on this site could be positioned not to result in any impact on residential amenity.

### 6.4 **Impact on Listed Building**

6.4.1 Policy CS17 'Environment Networks' of the Shropshire Core Strategy indicates that development should protect the local character of the historic environment and should not have a significant adverse impact on heritage assets. This is reiterated in policy MD13 'The Historic Environment' of the SAMDev Plan which ensures that where possible that proposals avoid harm or loss of significance to designated heritage assets including settings. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.4.2 The proposed dwelling will be positioned to the north west of The Old Smithy which is a grade II listed building located in the small settlement of Longslow.

- 6.4.3 The Parish Council have commented that the proposed development falls within the curtilage of a listed building. However, the site does not form part of the residential garden associated within The Old Smithy and is classified as countryside. The indicative layout plan indicates that the dwelling would be 45 metres away and therefore officers do not consider that the proposed site falls within the curtilage of this listed building. Although a large dwelling on this plot may be visible and could have the potential to impact on the setting of this designated heritage asset. The Conservation Officer has raised comments that the application does not provide sufficient information to make a full assessment of the impact of the proposed development on the significance of the designated heritage asset as this is an outline application. Although the Conservation Officer has not raised any objection to the principle of the development.
- 6.4.4 A Heritage Impact Statement has been submitted which has indicated that the proposed scheme would lead to less than substantial harm on the heritage significance. It is indicated that the dwelling would be located adjacent to the public highway behind substantial hedging which minimises the visual impact. The site will in part be visible from the listed building, although there are two large trees a Pine tree and Norway Maple which break up views of the site. The proposed dwelling will need to blend into the overall landscape and panorama when viewed from this dwelling. It is noted that the dwelling would be positioned on ground lower than The Old Smithy by approximately 3.4 metres which will help to reduce any impact on the setting and any harm to the significance of this designated heritage asset.
- 6.4.5 Officers consider that a modest sized traditional rural cottage located on this development site is unlikely to cause any harm and will provide public benefits by increasing the supply of housing in this small rural settlement which will help to support local services and facilities.
- 6.4.6 This application is considering the principle of development and suitability of the access which the Conservation Officer has not raised any objection to. The layout, scale and appearance of the dwelling will be considered as part of a reserved matters application which will need to consider in full the impact on the significance of the designated heritage asset.

## 6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. Paragraph 111 of the NPPF indicates that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety. The Parish Council have raised concerns that the access lane is narrow with poor visibility and raises concerns of highway safety.
- 6.5.2 The existing country lane is single carriageway width and has a grass verge on both sides of the road with a native hedgerow. The proposed layout plan indicates that the roadside hedgerow will be completely removed along the western boundary of the site to enable the provision of a central access. The access will provide 5 metre radii with visibility splays of 43.0 metres to the north and 40.5 metres to the south. Entrance gates into the site will be set back 6 metres from the highway edge to allow vehicles to pull off the road and open the gates without preventing vehicles from passing. The indicative layout plan indicates a large driveway with car parking



provision for three vehicles with a suitable manoeuvring area to allow vehicles to leave in a forward gear. A new native hedgerow will be planted behind the visibility splays.

- 6.5.3 Having regard to the narrow width of the road and relatively low speeds of vehicles the highway's officer has raised no objection on highway safety ground to the proposed access subject to conditions regarding adequate parking and turning on site, maintaining the visibility splays, access layout and set back of entrance gate, and that the access apron is constructed in accordance with the Council specification.

## 6.6 **Impact on Trees**

- 6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. The application has been accompanied by a Arboricultural Report which includes a detailed Tree Constraints Plan and Tree Protection Plan. The proposed site has six Category B trees and eight Category C trees in or on the boundary of the site in addition there are two Category C hedges. Category B trees are of moderate quality or value and capable of making a significant contribution to the area, whilst Category C trees are of low quality. There are seven trees proposed to be removed to facilitate the development including three Category B trees at the proposed access point and two internal to the site. However, the Tree Officer has indicated that none of the trees are protected or exceptional specimens in the landscape and form part of a larger group of trees. The Tree Protection Plan indicates the provision of seven replacement trees which include three Scots Pine, two Rowan, one Silver Birch, and one small-leaved Lime which are located around the site boundary. These will provide visual enhancement and provide biodiversity gain in the long term. The Tree Officer has raised no objection to the proposed development subject to a condition providing tree protection during construction.

## 6.7 **Ecology**

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors.
- 6.7.2 A detailed Preliminary Ecological Appraisal and Great Crested Newt Survey have been carried out to provide an assessment of the ecological value of the site in local context and to identify potential ecological constraints relating to the development and recommend measures to avoid, reduce or manage negative effects and provide a new ecology gain.
- 6.7.3 The proposed site has an existing pond towards the northern boundary and had a Habitat Suitability Index of 'Below Average' to support Great Crested Newts, but presence was confirmed with a positive eDNA. A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00051) has been submitted which confirms that the project is

eligible to enter the District Level Licensing scheme and that the developer intends to do so. With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, the Council Ecology Officer is satisfied that the impacts of the development on Great Crested Newts are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.

6.7.4 The majority of the trees on the site have negligible value for roosting bats due to the lack of potential roost features

6.7.5 The Council Ecologist has reviewed the application and raises no objection.

6.7.6 This application will be subject to a European Protected Species Mitigation Licence and therefore the Council Ecology Team have completed a European Protected Species 3 Tests Matrix as indicated in Appendix 2 of this report. Safeguarding conditions are also proposed requesting the District Level Licence with respect to Great Crested newts is obtained from Natural England prior to commencement of work commencing on site; landscaping plan; Habitat Management Plan; bat and birds boxes for ecology enhancement; and external lighting to protect bats.

## 6.8 **Drainage**

6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a package treatment plant and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommend that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

## 6.9 **Flooding**

6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance. The Parish Council have raised concern regarding localised flooding and the impact that this would have on the development site.

6.9.2 The proposed application has been accompanied by an Environment Agency Flood Report which confirms that the proposed site is located in Flood Zone 1 which is an area with a low probability of flooding. The existing site has a pond towards the northern boundary which has a water level of approximately 75.7 AOD with water filtrating through the ground to this low point. Officers are aware that there is a drain along the roadside frontage at a low point of 75.3 AOD. Due to the gradient of the road from the north and south any surface water would flow towards this low point

and it is likely that this drain has become blocked and silted up and unable to disperse water adequately away from the road resulting in some localised flooding.

- 6.9.3 The proposed layout of the dwelling as indicated on the indicative layout plan would position the dwelling at a height of approximately 76.7 AOD which would be 1 metre above the pond and 1.4 metres above the drain. Therefore, due to the height difference it is unlikely that the dwelling would be affected by surface water flooding. However, in any event the agent has indicated that the finished floor level will be set above any known flood level or at least 300mm above the ground level due to surface water flooding.

## **7.0 CONCLUSION**

- 7.1 The proposal is considered to satisfy 'in principle' the main determining criteria of relevant development plan policies and the NPPF in relation to new housing development.
- 7.2 It is considered that the proposed development will provide satisfactory access arrangements. The internal parking and turning arrangements can be addressed at reserved matters stage as layout is a reserved matter.
- 7.3 Furthermore, it is considered that the proposed development is capable of being provided with satisfactory drainage arrangements, secured by a pre-commencement condition, and of being developed without causing any significant negative impact upon the natural and historic environment; without having a significant adverse impact upon local and residential amenities and without unduly harming the physical characteristics of the locality, all subject to the imposition of recommended conditional requirements at this outline stage.
- 7.4 The application is made in outline with all matters except access reserved. Issues of layout, scale, design, landscaping and residential amenity etc will therefore be considered and addressed at the reserved matters stage.
- 7.5 Overall, and with the recommended conditions in place it is considered that the outline proposal on balance meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS4, CS13, CS17 and CS18 of the Shropshire Core Strategy and SAMDev Plan policies MD3, MD12 and MD13.
- 7.6 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

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

awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10.0 BACKGROUND

- 10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application, the Local Planning Authority gave consideration to the following policies:

**Central Government Guidance:**

National Planning Policy Framework

**Shropshire Council Core Strategy (February 2011):**

CS4 : Community Hubs and Community Clusters

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

CS18 : Sustainable Water Management

**Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

MD13 : Historic Environment

S11 : Market Drayton

**10.2 Relevant Planning History**

23/01174/OUT - Outline planning permission with highway access for single two-storey residential dwelling and detached 3-bay garage, to include removal of trees and infilling of pond. Withdrawn 27<sup>th</sup> April 2023.

PREAPP/22/00519 - Proposed dwelling, new highway access, detached oak framed double garage/carport, sewage treatment plant and planting. Acceptable in Principle 10<sup>th</sup> November 2022.

**11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 23/03515/OUT

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Paul Wynn

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - European Protected Species: The 'Three Tests'

## **APPENDIX 1 - Conditions**

### **STANDARD CONDITION(S)**

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.
4. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
5. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Old Oak Tree care Tree Protection Plan and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the Local Planning Authority.  
Reason: To safeguard the amenities of the local area by protecting trees.
6. The visibility splays shown on the Proposed Site Plan (drawing no. A3-02-R1) shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwelling being occupied and thereafter be maintained at all times free from any obstruction.  
Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.
7. The access layout and access gate shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan (drawing no. A3-02-R1) prior to the dwelling being occupied and thereafter retained.  
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety,

8. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied and thereafter retained.  
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
9. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:
  - a) Planting plans, creation of wildlife habitats and features and ecological enhancements, following the recommendations in the Preliminary Ecological Appraisal (Arbtech, February 2023).
  - b) Written specifications for establishment of planting and habitat creation;
  - c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - d) Implementation timetables.Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.  
Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

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

10. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a Written Scheme of Investigation. This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.  
Reason: The site is known to hold archaeological interest.
11. No development shall take place (including demolition, ground works and vegetation clearance) until a District Level Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority.  
Reason: To ensure the protection of great crested newts, which are European Protected Species.
12. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the dwelling and thereafter be kept clear and maintained at all times for that purpose.  
Reason: In the interest of highway safety.
13. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).  
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

## **CONDITION(S) THAT REQUIRE APPROVAL PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

14. Prior to first occupation of the dwelling, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) or sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

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

15. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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



## APPENDIX 2 - European Protected Species: The 'Three Tests'

### Application reference number, site name and description:

23/03515/OUT

Land North West of The Old Smithy, Longslow, Market Drayton, Shropshire

Outline application for the erection of a single two-storey dwelling to include access

### Date:

11<sup>th</sup> September 2023

### Officer:

Sophie Milburn  
Planning Ecologist  
Email: sophie.milburn@shropshire.gov.uk  
Tel: (01743) 254765

### Test 1:

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

Yes.

The proposal will help contribute to boosting the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The occupiers of the dwelling will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a Community Infrastructure Levy payment which will provide financial contributions which will help to deliver new infrastructure and opportunities within the rural community as identified in the Place Plan.

Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a

proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement.

**Test 2:**

Is there **'no satisfactory alternative?'**

No.

The Site Allocations and Management of Development Plan (SAMDev), was adopted by Shropshire Council in 2015. Policy S11.2(ix) allocated the settlements of Bletchley, Longford, Longslow and Moreton Say are a Community Cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026 to provide for small scale development. This will be delivered through infilling, groups of houses and conversions on suitable sites within the development boundary for the village of Moreton Say, together with limited infilling, conversions and small groups of houses which may be acceptable on suitable sites within the villages of Bletchley, Longford and Longslow. Longslow is an allocated settlement for development and the proposed site will develop an area of enclosed land and will not result in the loss of productive farm land. The site would represent a natural infill expansion of the settlement and there are no suitable alternative sites which are considered acceptable.

**Test 3:**

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

The on-site pond had a Habitat Suitability Index score of Below Average suitability to support great crested newts, but presence was confirmed with a positive eDNA.

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

A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (Enquiry no. DLL-ENQ-SHRP-00051) has been submitted which confirms that the project is eligible to enter the District Level Licensing scheme and that the developer intends to do so.

With the submission of the IACPC, and provided that works are carried out under the District Level Licensing scheme, SC Ecology are satisfied that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. As stated in the IACPC, "[I]n signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that the payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the

maintenance of the population of great crested newts at a favourable conservation status in their natural range.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of great crested newts at favourable conservation status within their natural range, provided that the 'District Level Licence condition for GCNs' condition included in the response from Sophie Milburn to Sue Collins (dated 11th September 2023) is included on the decision notice and are appropriately enforced.