



Committee and date  
**Southern Planning Committee**  
**20th February 2024**

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 23/05162/OUT	<b>Parish:</b> Ford
<b>Proposal:</b> Outline application for the erection of a single dwelling including reconfigured access	
<b>Site Address:</b> Former Bowling Green Ford Shrewsbury Shropshire	
<b>Applicant:</b> Holyhead Road Trust	
<b>Case Officer:</b> Sara Jones	<b>email:</b> sara.jones@shropshire.gov.uk

**Grid Ref:** 340989 - 313225



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**Recommendation:-** that delegated authority be given to Officers to draft conditions as set out

in Appendix 1 and to secure a Section 106 Agreement to secure the Affordable Housing contribution.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This outline application proposes the erection of a single open market dwelling on the site of a former bowling green to the west of Ford. The application site forms part of a larger site which benefits from permission under application 21/00475/OUT for the erection of two dwellings, which was considered by the Planning Committee (South) in Sept 2021. A separate planning application is also currently under consideration for the erection of a religious meeting hall (Class F2(b)) under application 23/05174/FUL and appears on the Committee Agenda.
- 1.2 All matters other than the point of access are reserved for later approval. The access arrangements have been amended from that previously approved, with the access serving the proposed dwelling only and being repositioned further to the north of the site.
- 1.3 The site is well screened from the main road and surrounding properties by existing vegetation, extends to an area of approximately 0.1 Hectares and has previously been used as a bowling green though not for several years.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated to the north of the A458 immediately to the west of the junction with a lane which runs north into the village of Ford. The site has existing detached dwellings to the north and east, the A458 to the south, the lane to the west across from which is a pub/restaurant (The Smokehouse). The Smokehouse is a substantial visually prominent Grade II listed former "Crossgates Inn" which dates from 1724 with a likely earlier core.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has objected contrary to the Officer recommendation. The Area Manager in consultation with the chairman have considered this and have concluded that the application raises material planning issues and should be determined by Committee.

### 4.0 Community Representations

#### Consultee Comment

SC Highways – No Objection, recommends conditions and informatives.

SC Affordable Housing – No comment received.

SC Conservation – No objection to the proposal for a single dwelling as described in the submitted Design and Access Statement. Recommend conditions to agree external materials to ensure these are in context with the area and nearby dwellings.

SC Ecology – Recommend conditions and informatives.

SC Drainage – Observations: This is a Minor Development, and the site is not located within the SuDS Consultation Area. The LLFA will only provide standing advice on the development proposals to the LPA. The development is unlikely to significantly increase flood risk. Recommend informative.

## Public Comments

Ford Parish Council - Objection

- The Parish Council objects to this proposal as this site is in Open Countryside and the parish council wishes to remain as such in the Local Plan Review.
- The parish council is also concerned that this is an outline rather than full application as the full detail of the proposal cannot be assessed and could change significantly.

Advertised and site notice displayed. No representations received.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Other Matters

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site lies outside the settlement of Ford where open market housing would be contrary to the adopted development policies relevant to the location of housing including CS1, CS4, MD1. The proposal also does not meet the criteria for residential development that would be permitted in the countryside under policy CS5 and MD7a. As such the application should not be supported unless there are other material considerations which would outweigh the conflict with adopted policies.

6.1.2 In this case there is an extant planning permission for the erection of two dwellings on the larger site of which this application forms part. It is noted that when the extant planning permission was considered by the Planning Committee it was resolved that the site, although clearly outside any settlement that is currently

designated as suitable for new development within the adopted local plan, is surrounded by existing buildings and highways, and as such it would effectively form infill development within a cluster of properties around a road junction. Weight was also attached to the site having previously been developed as a bowling green with associated infrastructure (now removed) and being classed as previously developed land rather than a greenfield site. The redevelopment of previously developed land ahead of greenfield sites is a clear aspiration of both national planning guidance (NPPF) and adopted local plan policies. The extant planning permission is a material consideration of significant weight in the planning balance the principle of residential development of the site having been established.

## 6.2 Siting, scale and design of structure

6.2.1 As noted above the site is not in an isolated or prominent location whereby its development for residential use as proposed would be a significant or unacceptable change. The details of the proposed dwelling are reserved for future consideration but there is no reason to believe that a dwelling could not be designed to complement its surroundings. The landscaping of the site including the retention and planting of new trees/hedgerows would be one of the details required by the submission of a further reserved matters application.

## 6.3 Ecology

6.3.1 The application is supported by a Preliminary Ecological Appraisal which has been assessed by the SC Ecology Team who have confirmed that it is fit for purpose and agree that no further survey work is required. The SC Ecology Team recommend conditions and informatives to ensure that ecological interests are protected and that the site is enhanced for wildlife by providing additional roosting and nesting habitat.

## 6.4 Other Matters

6.4.1 The extant planning permission was considered acceptable despite being contrary to the Councils housing strategy due to a number of material considerations which included a financial contribution that had been secured towards affordable housing. Whilst the affordable housing contribution was not a policy requirement at the time, the Officers Report states that the applicant offered this in recognition that the site is not policy compliant and that there is an ongoing need to provide affordable housing across the county. The current application also includes a proportionate financial contribution, which would be based on 50% of the S106 previously approved scheme which proposed 2 dwellings (subject to today's prevailing rates).

6.4.2 As with the extant planning permission the application would result in the permanent loss of a bowling green although it has not been in use since 2015. It is understood that there has been no intervening use since its last use as a bowling green, however given the extant planning permission for residential development and the length of time that the site has been vacant, and its restricted size in terms of any other sporting or recreational use, as previously considered it is not clear that it meets the definition of an 'existing' open space or sports facility and as such

the development is not required to meet the tests as set out in the NPPF.

## **7.0 CONCLUSION**

7.1 The extant planning permission is a material consideration of significant weight in the planning balance the principle of residential development of the site having been established. The development proposed would represent the redevelopment of a previously developed site, within an existing cluster of properties, which would contribute to new housing provision and provide a financial contribution to the pool of affordable housing within the county. The overall balance of considerations in this case weighs in favour of the development, outweighing the conflict with the Councils Housing strategy and development plan.

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

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

# AGENDA ITEM

**Southern Planning Committee - 20th February 2024**

Former Bowling Green

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

MD16 - Mineral Safeguarding

Settlement: S16 - Shrewsbury

SPD Type and Affordability of Housing

National Planning Policy Framework

## RELEVANT PLANNING HISTORY:

19/04500/FUL Change of use of land to a self-storage site comprising of 59No. storage units; formation of access and 2No. parking spaces NPW 15th March 2022

21/00475/OUT Outline application (access for consideration) for the erection of two (open market) dwellings GRANT 27th April 2022

23/05174/FUL Erection of religious meeting hall (Class F2(b)) with associated access and parking Pending.

SA/84/0891 Erection of 6 no. floodlights on 4 no. poles. PERCON 16th November 1984

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4YAD8TDLUB00>

List of Background Papers

Planning application reference 23/05162/OUT and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

## 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 works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 6.2 of the Preliminary Ecological Appraisal (Arbor Vitae, November 2023).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

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

6. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol and hours of construction/deliveries. The approved Statement shall be adhered to throughout the construction period.

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

7. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and



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maintained at all times for that purpose.

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

8. No development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The details shall include full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways. The approved scheme shall be completed before the development is occupied.

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

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

9. The visibility splays shown on Visibility Plan Drawing No. 2317-PL-101 shall be set out in accordance with the splay lines shown. Any retained hedge, or replacement hedge planting shall be at least 1 metre behind the visibility splay lines. The visibility splays shall be fully implemented in accordance with the approved details prior to the dwelling being occupied and shall 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.

10. Prior to first occupation / use of the building, 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 before the dwelling hereby approved is first occupied:- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

- A minimum of 1 artificial nests, of integrated brick design, suitable for swifts (swift bricks). 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.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the buildings wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred.

(See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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**

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or

sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts 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.

12. The development hereby approved shall be for a maximum of one dwelling only.

Reason: To reflect the character of the locality and pattern of existing development in accordance with the requirements of policies CS6 and MD2.

### **Informatives**

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

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy

CS1 Strategic Approach

CS3 The Market Towns and Other Key Centres

CS4 Community Hubs and Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

The Site Allocations and Management of Development (SAMDev) Plan

MD1 Scale and Distribution of Development

MD2 Sustainable Design

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

MD13 Historic Environment

MD16 Mineral Safeguarding

S16 Shrewsbury

Supplementary Planning Document on the Type and Affordability of Housing

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning

Policy or Legislation.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

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

5. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/applicationforms-and-charges/>

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

6. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

7. No drainage to discharge to highway

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

8. Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway

(i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

## 9. Drainage informatives

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SUDS Handbook which is available in the Related documents section on the councils website at:

<https://shropshire.gov.uk/drainage-andflooding/development-responsibility-andmaintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.

Shropshire Council will not permit new connections to the Highway Drainage network.

If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be installed.

If main foul sewer is not available for connection, British Water Flows and Loads: 4 should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

## 10. Nesting birds informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

If during construction birds gain access to any of the building and begin nesting, work must

cease until the young birds have fledged.

## 11. General site informative for wildlife protection

The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required.

Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

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

## 12. Landscaping informative

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