



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

Date: Friday, 16 May 2014

**Committee:**  
**South Planning Committee**

**Date: Tuesday, 27 May 2014**

**Time: 2.00 pm**

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

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

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

**Members of the Committee**

Andy Boddington  
David Evans  
Nigel Hartin  
Richard Huffer  
John Hurst-Knight  
Cecilia Motley  
William Parr  
Madge Shingleton  
Robert Tindall  
Stuart West  
Tina Woodward

**Substitute Members of the Committee**

Charlotte Barnes  
Gwilym Butler  
Lee Chapman  
Heather Kidd  
Christian Lea  
Vivienne Parry  
Malcolm Pate  
Dave Tremellen  
David Turner  
Leslie Winwood  
Michael Wood

Your Committee Officer is:

**Linda Jeavons**      Committee Officer  
Tel:                    01743 252738  
Email:                [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## **1 Election of Chairman**

To elect a Chairman for the ensuing municipal year.

## **2 Apologies for Absence**

To receive any apologies for absence.

## **3 Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the ensuing municipal year.

## **4 Minutes (Pages 1 - 10)**

To confirm the minutes of the South Planning Committee meeting held on 29 April 2014.

Contact Linda Jeavons (01743) 252738.

## **5 Public Question Time**

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

## **6 Disclosable Pecuniary Interests**

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

## **7 Land off Corvedale Road, Craven Arms, Shropshire, SY7 9BT (13/01633/OUT) (Pages 11 - 50)**

Outline application for residential development (14 houses) to include access (revised proposal).

## **8 Former Primary School Site Caynham Shropshire (13/03834/OUT) (Pages 51 - 70)**

Outline application (all matters reserved) for the erection of four dwellings with garages.

## **9 Former Primary School Site, Caynham, Shropshire (13/03835/OUT) (Pages 71 - 80)**

Outline application (all matters reserved) for the erection of 2 dwellings with garages.

## **10 Development Land North East Of Stone Drive, Shifnal, Shropshire (14/00062/OUT) (Pages 81 - 120)**

Outline application with vehicular access (from Stone Drive and Lloyd Grove) to be determined for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park).

**11 Land south of Woodbatch Road, Bishops Castle (14/00885/OUT) (Pages 121 - 152)**

Outline application for residential development (14 houses) to include access (revised proposal).

**12 Schedule of Appeals and Appeal Decisions (Pages 153 - 158)**

**13 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 24 June 2014 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



## **SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 29 April 2014**

**2.00 - 4.06 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk) Tel: 01743 252738

### **Present**

Councillor David Evans (Chairman)

Councillors Stuart West (Vice-Chair), Charlotte Barnes, Nigel Hartin, Richard Huffer, John Hurst-Knight, Cecilia Motley, Madge Shingleton, Robert Tindall and Tina Woodward (Substitute) (substitute for William Parr)

### **152 Apologies for Absence**

An apology for absence was received from Councillor W M Parr.

### **153 Minutes**

#### **RESOLVED:**

That the Minutes of the South Planning Committee held on 1 April 2014, be approved as a correct record and signed by the Chairman.

### **154 Public Question Time**

There were no public questions.

### **155 Disclosable Pecuniary Interests**

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

With reference to planning application 13/04877/EIA, Councillor D A Evans declared that he was acquainted with the applicant and would leave the room and take no part in the consideration of, or voting on, this application.

### **156 Manor Farm, Wistanstow, Craven Arms, SY7 8DG (13/04877/EIA)**

In accordance with his declaration at Minute No. 155, Councillor D A Evans left the room prior to consideration of this item and the Vice-Chairman took the Chair.

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, elevations, layout, access and landscaping proposals. With reference to location, he advised that the land sloped to the south east with a fall of 16m across the site. The closest residential property was over 600m to the west of the site and the village of Wistanstow was around 700m to the east of the site. He confirmed that Wistanstow Parish Council had raised no objections and there were no objections from technical consultees; the Highways Agency was satisfied that the proposals would not have a detrimental impact on the A49; and Shropshire Council's Highways Development Officers had raised no objections provided the access was constructed first in accordance with the approved drawing.

The Principal Planner explained that the Core Strategy Policy CS5 supported rural diversification on appropriate sites. It had been recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. In terms of traffic, there would be a marginal but acceptable increase. Odour and noise would be regulated under the Environmental Permitting system and appropriate conditions had been recommended to provide added reassurance. The proposed site was within the Area of Outstanding Natural Beauty (AONB) where special safeguards applied (eg National Planning Policy Framework (NPPF) paragraph 116) and in a separate location from the existing farm buildings. However, a visual appraisal had found that it would not be overlooked when existing topography and vegetation and proposed landscaping was taken into account. It was considered that the benefits of the scheme and the degree of visual containment were sufficient to justify development on this margin of the AONB.

In conclusion, the Principal Planner explained that it was considered that the proposals represented an appropriate form of diversification for the existing farm business and would consolidate what was there already and would continue to contribute to the local economy and employment. It would also provide locally sourced food, supplying a strong national demand for poultry meat. It was considered that the Environmental Impact Assessment (EIA) accompanying the application demonstrated that the environmental impacts of the proposed development were not significant and were capable of being effectively mitigated. The recommended conditions would also be supplemented by detailed operational controls under the Environment Agency's permitting regime. It was concluded that the proposals were capable of being accepted in relation to relevant Development Plan policies and guidance.

Members considered the submitted plans for the application during which the Principal Planner explained that some of the excavated material would be redistributed to provide a level surface and any unused material would be exported off site. Any material that was compliant with agricultural conditions could be redistributed and did not necessarily have to go to landfill. Members unanimously supported the proposal.

**RESOLVED:**

That, subject to the conditions set out in Appendix 1 to the report and Condition No. 5 being amended to ensure that the external surfaces of the development shall be BS18B29, planning permission be granted in accordance with the Officer's recommendation.

(The Chairman returned to the meeting and resumed the Chair.)

**157 Davro Iron & Steel Co Ltd, Ridgewell Works, Stourbridge Road, Wootton, Bridgnorth, WV15 6ED (14/00030/OUT)**

The Principal Planner introduced the application, explained the history of the site and confirmed that Members had undertaken a site visit the previous day to view the site and assess the impact of the proposal on the surrounding area. He drew Members' attention to the Schedule of Additional Letters circulated prior to the meeting which detailed an amendment to Condition No. 11 as suggested by Shropshire Council's Planning Ecologist and confirmed that the Environment Agency had raised no objections subject to the additional comments and conditions as set out in the Schedule of Additional Letters being applied to any permission. With reference to the drawings displayed, he drew Members' attention to the location, indicative site plan, access arrangements and landscape proposals.

The Principal Planner explained that the site fell within the Green Belt and drew Members' attention to paragraph 89 of the National Planning Policy Framework (NPPF). This indicated that subject to the proposals having no greater impact on the openness of the Green Belt than the existing development on the site it would not constitute inappropriate development within the Green Belt. It was the Planning Officer's view that the redevelopment proposed in this application would not impact on the openness of the Green Belt.

The Principal Planner explained that an extensive marketing exercise to find a buyer for the industrial premises had been undertaken, following which the applicant had reappraised the situation and decided the best option was to relocate the business back to the Black Country. High end value open market residential housing was considered to be the best option to meet the associated costs of relocation.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Mrs T Woodward, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. She acknowledged that the public objections that had been raised would be addressed by appropriate conditions and policies. She noted that Shropshire Council's Highway Development Control Officers had raised no objections; commented that the reduction in HGV presence would be beneficial; and welcomed the single access point and wider visibility splays. The employment had been welcomed in the area over the years but she acknowledged that the site was no longer suitable or viable. She urged the applicant to come forward with a high quality scheme.

In response to questions from Members, the Principal Planner explained that the affordable housing contribution would be set in line with the requirements of the Type and Affordability of Housing Supplementary Planning Document. However, the exact contribution would be determined at the reserved matters stage following a valuation and assessment exercise.

**RESOLVED:**

That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the following:

- A Section 106 Agreement relating to affordable housing provision;
- The additional conditions suggested by the Environment Agency and set out in the Schedule of Additional Letters;
- Condition No 11 be amended as set out in the Schedule of Additional Letters; and
- The conditions set out in Appendix 1 to the report.

**158 Development Land North East of Stone Drive, Shifnal, Shropshire (14/00062/OUT)**

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit the previous day to view the site and assess the impact of the proposal on the surrounding area. He drew Members' attention to the Schedule of Additional Letters circulated prior to the meeting which detailed comments and a suggested additional condition from Shropshire Council's Archaeology Officers and two further neighbour objections. He verbally reported that following the circulation of the Schedule of Additional Letters further comments and concerns relating to drainage had been received which had raised similar concerns to those already received and addressed in the report. In addition, he reported and appraised Members on the further comments relating to drainage received from Shifnal Flood Group. He explained that the Section 106 Agreement would include a contribution towards drainage and it was considered that a betterment over the existing drainage arrangements would be achieved. Shifnal Town Council had raised no objections to the proposal.

With reference to the drawings displayed, the Principal Planner explained that the land had been allocated as a housing site in the revised preferred options stage of the Site Allocations and Management of Development Plan (SAMDev) process. He drew Members' attention to the location, indicative site layout and proposed access and explained that 18 Silvermere Park would be demolished to provide a pedestrian/cycle link.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor S West, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. He had no concerns with regard to the site and acknowledged that it had been included in the revised preferred options stage of SAMDev but expressed serious concerns with regard to the drainage, potential



flooding and the inability of the existing drainage to cope with any further development. He further expressed concerns with regard to traffic and considered that a further 250 dwellings would put further pressure on the road network and solutions should be found before any development work commenced.

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

- He objected and expressed concerns with regard to the drainage and its ability to cope with further development;
- The problem of stagnant water would be exacerbated by further development and could not be controlled or improved by conditions;
- Problems upstream would be alleviated by the proper repair of the culvert;
- A proper and full investigation of the blockage should be undertaken; and
- The culvert had been blocked since the mid 90s and none of the houses that bordered the mere were responsible for the blockage. The culvert should be repaired rather than installing a new overflow.

Ms K Ventham, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- This site had been included throughout the SAMDev process and remained a preferred site;
- They had worked with Planning Officers and undertaken consultation prior to submitting this proposal;
- Amendments had been made to the proposal following consultation;
- They had attended meetings of the Shifnal Flood Group and agreed to make a contribution to alleviate concerns;
- Following discussions with Highways a contribution towards a wider package of improvement works had been agreed; and
- The proposal would meet housing targets.

In response to questions and concerns, the Floods and Water Manager provided clarification on the drainage and disposal of water in the area. He explained that the site currently drained as a Greenfield site and the introduction of attenuation ponds would ensure that less water would flow into Silvermere and a betterment would be achieved as a consequence of the new development. Building over a watercourse would not be permitted.

In response to questions, the Highways Development Control Manager (South) provided clarification on highway issues. She explained that discussions had taken place between the applicant and Shropshire Council prior to the development of a Travel and Movement Strategy for Shifnal, and a petition requesting that adequate Transport Solutions for projected traffic volumes expected in and around Shifnal be developed will be presented to a meeting of Council on the 8 May 2014.

In the ensuing debate Members noted the comments of all speakers and continued to express their concerns relating to the drainage arrangements. Accordingly, it was

**RESOLVED:**

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

**159 Proposed Residential Development Land, Worthen, Shropshire, SY5 9HT (14/00398/OUT)**

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the indicative layout, proposed access arrangements and topography. A new access would be created off the B4386 Shrewsbury-Montgomery Road and a new 300m stretch of pedestrian pavement would also be provided on the applicant's land along the frontage of the development, to improve local accessibility. He confirmed that the application was in outline, with all matters reserved. The proposal was for a mix of generally modest two-three bedroomed family homes designed to meet an identified local need and intended for 'open market' sale. The applicant had recently confirmed that the development would be phased to prevent market over-supply. All would have adequate parking, turning areas and good sized gardens. The proposed site was at a lower level than the road and some two storey dwellings could potentially be considered with bungalows nearest the road. It was proposed that foul drainage would go to the existing mains sewer.

With reference to policy, the Principal Planner explained that the emerging SAMDev did not allocate the site. It advised that a total of 30 new homes would be accommodated as infill developments within the wider community cluster which incorporated Worthen and the adjacent village of Brockton. However, the SAMDev had not yet been adopted and there was less than 5 years housing supply in Shropshire. Planning decisions must therefore be taken in accordance with the NPPF which suggested that housing schemes should be approved if they were considered to be sustainable.

The Principal Planner explained that the Parish Council had objected on grounds of non-compliance with planning policy, flooding and highway safety. Consultation had been undertaken and was as detailed in the report. Clarification had been requested on whether the pavement scheme would include a safe crossing point. The Council's archaeology section had requested a prior survey as there has been no previous archaeological research in the area. It was considered however that this was capable of being addressed fully at the reserved matters stage and an appropriate condition had been recommended. An affordable housing contribution and Community Infrastructure Levy (CIL) pavement would be due. There had been no objections from the Council's drainage and ecology sections. Highway officers had indicated verbally that they had no objections and had provided further clarification on the footpath proposals for the area, which the current scheme would assist in delivering. Thirty objections had been received from local residents and the main concerns

related to non-compliance with planning policy, sewerage, flooding highway safety and loss of amenity.

With reference to drainage, the Principal Planner explained that balancing facilities could be provided to prevent increased run-off so flooding of Worthen Brook would not be exacerbated. In terms of sewerage connection, this must be provided statutorily if Severn Trent agreed to accept the effluent from the site.

The Principal Planner further explained that the indicative layout supported the conclusion that a sensitive design need not impact adversely on surrounding amenities in this sloping field location. An archaeological investigation could be undertaken satisfactorily at the reserved matters stage. It was considered that the proposed pedestrian footway significantly enhanced the overall sustainability of the scheme. There was currently no such footway between the nearby settlements of Brockton and Worthen and a number of significant community facilities were located in the intervening area. The current scheme represented the only way of delivering a major part of the footway project as the land required was in the applicant's ownership. Key community facilities were located to the north of the highway so a crossing point was required as part of the wider footpath scheme which the Council as Highways Authority was seeking to progress. Officers had requested that the applicant provided an additional financial contribution towards the cost of this crossing point and an appropriate legal clause was recommended. However, the applicant had also pointed out that the scheme will generate significant CIL revenues and that it would be possible in principle to fund the crossing point out of this revenue stream instead. If members were minded to approve the application it was recommended that a caveat be added to the legal clause to the effect that unless the Council agrees that the crossing point could be funded from CIL revenues that the legal agreement requirement remains. He requested that delegated authority be given to Officers to impose a suitable phasing condition on any permission.

In conclusion, the Principal Planner explained that whilst the application might not comply with the emerging SAMDev it was considered that it would generally be sustainable and that accordingly the presumption in favour of sustainable development set out in the NPPF should apply. The benefits which the proposed footpath would yield to the local community, in allowing improved pedestrian access to community facilities between the 2 settlements should be noted. Accordingly, Planning Officers were therefore recommending approval subject to the recommended conditions and legal agreement.

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

- The proposal would impact greatly on his outlook and south-facing aspect of his property;
- He expressed concerns with regard to the drainage and its ability to cope with further development. The land was continuously saturated and the soakaway would remain full. A proper pumping system should be installed;

- Access to the site was just before the brow of the hill and the road was subject to many speeding drivers;
- The slope of the site was very severe;
- The nature of the development would be out of character with the area;
- The development was contrary to the Parish Plan and exceeded the agreed target figure of 25 homes for the area.

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

- The proposal would be contrary to their Parish Plan, which had been approved following extensive work over a number years;
- 30 objections had been made by local people – their opinions should be heard;
- A preference for a housing mix of two and three bedroomed properties and bungalows had been expressed. This should be achieved with infill housing not estates and large scale development;
- Planning applications had already been approved for the area and there were others in the pipeline;
- The proposal would be out of character for the area;
- The developer did not own all the land so would not be able to deliver the footpath.

Mr G Maxfield, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Shropshire Council could not demonstrate a five year land supply;
- The proposal would provide sustainable open market and affordable housing;
- The proposed traffic calming measures and crossing would act as a speeding prohibitor;
- The site would provide affordable housing located close to a doctors surgery, village hall and school etc; and
- The location was sustainable.

In response to questions from Members, Mr Maxfield provided clarification on what land was in the ownership of the applicant and location and extent of the footpath.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Mrs H Kidd, as local Member, participated in the discussion and made a statement against the proposal but did not vote. She commented that the community, after an extensive consultation exercise, had expressed a desire for infill development; a crossing would have to be installed at the western end of the village; the brook flooded frequently; the field sloped very steeply; and the proposed dwellings would be out of character with the main housing in that area being single dwellings running along the side of the road. She expressed concerns that the proposals could increase the level of strain on local sewerage and drainage capacity and hoped that the Parish Plan would be afforded sufficient weight.

In response to questions from Members, Councillor Mrs H Kidd provided clarification on the number of existing houses in the village, the distance between Worthen and Brockton and the public transport links. She commented that if the development did go ahead she would prefer the dwellings to run alongside the main road and be in keeping with the houses on the opposite side of the road.

In the ensuing debate, Members commented that the site would not be balanced or sustainable and suggested that the opposite end of the field would be more preferable for development. They acknowledged that progress had already been made in fulfilling and providing the quota of housing in the area and expressed concerns regarding the ability of the drainage to cope with additional dwellings.

In response to comments from Members, the Principal Planner reiterated that in the current sub-five year land supply situation decisions should be taken on whether a development would be sustainable; it was not for Members to determine if other sites would be more preferable; no objections had been received from consultees with regard to drainage; appropriate landscaping would integrate the site with the existing vernacular buildings; the site was considered to be sustainable in terms of drainage and sewerage; and traffic calming measures would be installed.

**RESOLVED:**

That, contrary to the Officer's recommendation, planning permission be refused for the following reason:

- The proposed development would have an unacceptable adverse impact on the character and setting of the rural area and so would not be sustainable. In particular:
  - (i) It would result in an unbalanced distribution of development between the settlements of Worthen and Brockton and is contrary to the Worthen with Shelve Parish Plan;
  - (ii) It would fail to promote or reinforce the local distinctiveness of the area; and
  - (iii) The proposed built form would not reflect the scale and proportions of the existing nearby housing.

**160 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 29 April 2014 be noted.

**161 Date of the Next Meeting**

It was noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 27 May 2014 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....

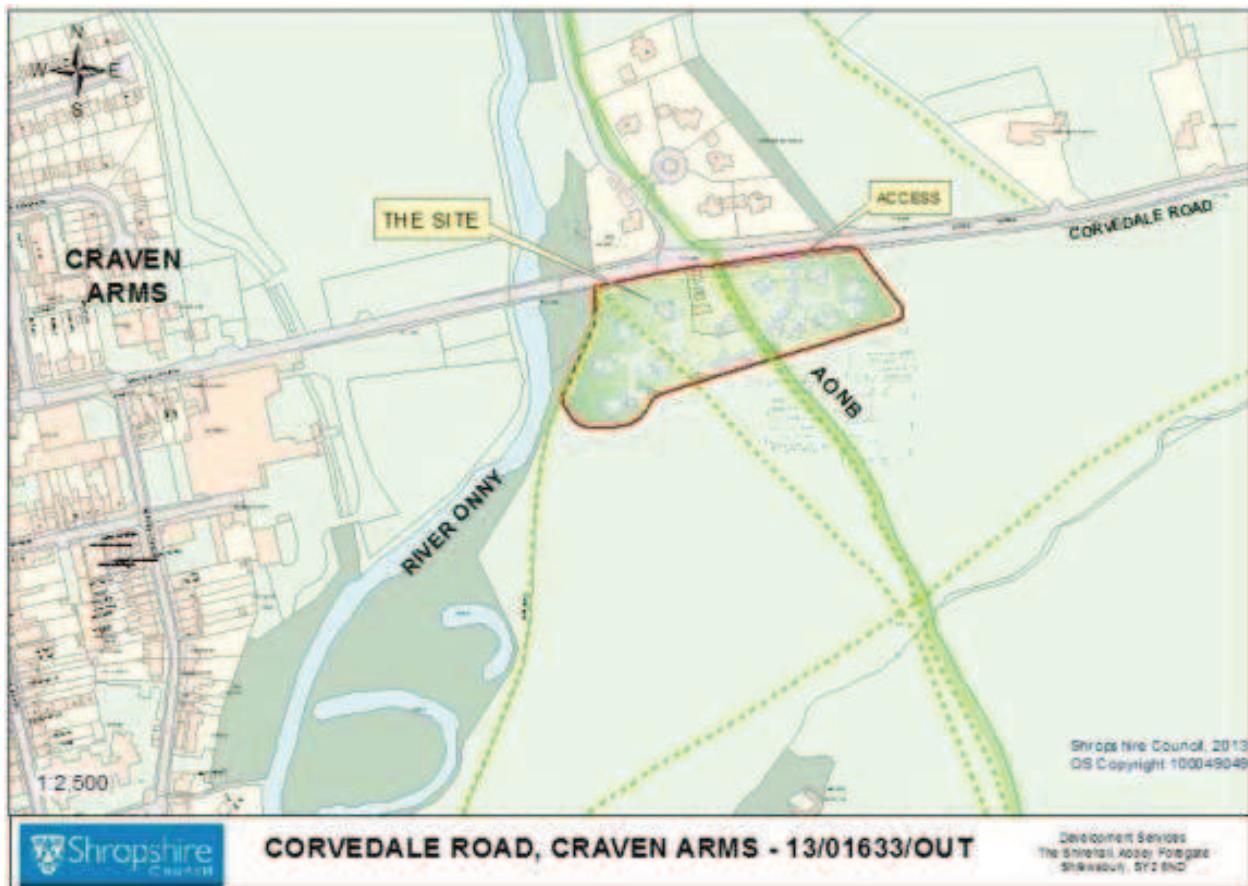


<u>Committee and date</u>
South Planning Committee
27 May 2014

<u>Item</u>
<b>7</b>
Public

## Development Management Report

<b>Application Number:</b> 13/01633/OUT	<b>Parish:</b>	Craven Arms
<b>Proposal:</b> Outline application for residential development (14 houses) to include access (revised proposal)		
<b>Site Address:</b> Land off Corvedale Road, Craven Arms, Shropshire, SY7 9BT		
<b>Applicant:</b> Norton Estates		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	



**Recommendation:** Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is to develop 1.03 hectares of land south of Halford Meadow off Corvedale Road for residential purposes with direct access from the B4368 (reduced from 1.9 ha stated in the application as originally submitted)
- 1.2 The application is in outline, with all matters of detail reserved for subsequent approval. Notwithstanding this, the applicant has provided an indicative layout plan and details of the likely housing types. This indicates 10 larger detached (3-4 bedroom) type houses within fronting an internal access road with 2 smaller semi-detached properties to the immediate west of the proposed access point. All would have good sized gardens, garages and sufficient parking for 2 cars within the curtilage. The new dwellings would be intended for 'open market' sale and occupation. All existing structures within the site would be removed. Foul drainage would go to the existing mains sewer in the road.
- 1.3 The applicant states that the plots are proposed to satisfy an identified need for larger homes in the community and that the housing density would respect surrounding development character and patterns. An indicative cross-section denotes 1½ height housing to prevent any overlooking of existing properties to the north of the public highway which are in a slightly elevated position relative to the site.

### 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 1.2ha) comprises a roughly rectangular area (170m E-W x 61m N-S) forming part of two existing large fields (pasture to the south/west and arable to the east). It is located some 170m east of the existing built edge of Craven Arms, from which it is separated by the River Onny. The northern boundary is defined by the Corvedae Road, from which access would be obtained.
- 2.2 The eastern half of the site is located within the Shropshire Hills AONB. The site is bisected from north to south by 3 public rights of way, which the development would be designed to accommodate. The three nearest properties are located to the immediate north of the Corvedaye Road and form part of the small settlement of Halford Meadow (7 properties).

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The request of Craven Arms Town Council for the application to be referred to the committee has been ratified by the Chairman of the Planning Committee and the Development Manager in accordance with the Council's adopted Scheme of Delegation.



## 4.0 COMMUNITY REPRESENTATIONS

- 4.1.1i Craven Arms Town Council – Objection (17/04/14). Craven Arms Town Council have considered the revised application with the proposed reduction of houses and wish to restate and reinforce its object to development on this site. The area of proposed development is on a Greenfield site viewed by the general public as an important historic/leisure area which should be protected. The proposed development is not seen as an enhancement to the gateway of Craven Arms but as an extension of Halford impacting on the rural nature of that countryside area which should be retained.
- ii. The Town Council has considered the revised application with the proposed reduction of houses and wish to restate and reinforce its object to development on this site. The area of proposed development is on a Greenfield site viewed by the general public as an important historic/leisure area which should be protected. The proposed development is not seen as an enhancement to the gateway of Craven Arms but as an extension of Halford impacting on the rural nature of that countryside area which should be retained.
- 4.1.2 S C Planning Policy: The proposed changes to the proposals have not altered this services general view. As a result I have no objection in principal to this application. However, since our last comment on 8<sup>th</sup> May 2013 this service has altered its stance in relation to electric vehicle charging points.  
(An appropriate informative note has been included in Appendix 1).
- 4.1.3i. SC Rights Of Way: No objection. The footpaths previously mentioned have been accommodated satisfactorily within the site layout. (informative notes have been recommended and are included in Appendix 1).
- ii. Rights of Way (14/05/13). The site is crossed by Footpaths 23 and 24 Craven Arms. Footpath 23 appears to have been retained on the illustrative plan but the route of FP 24 crosses several of the proposed gardens and is affected by the proposal. The developers should consult this office before full planning permission is applied for as a legal order would have to be made to change the route of the path, unless it can be accommodated in further plans.
- 4.1.4i. SC Archaeology (Historic Environment): The proposed development site lies to the east of Craven Arms and the River Onney close to the current crossing point of the river at Clunsford Bridge. Shropshire Council's Historic Environment Record contains entries for heritage assets within or close to the proposed development site, including Trackway circa 75m south of Bishop's House (HER PRN 02018) described as two roughly parallel linear features, running for 300m, about 40m apart. A Ring ditch 180m south of Bishop's House (HER PRN 04187) and Greensforge (Staffs) to Central Wales Roman Road (HER PRN 04076) which is thought to follow the B4368 Corvedale road before veering north-west at Bishop's House. Earthwork remains of ridge and furrow 320m south-east of Church Farm (HER PRN 21763) are located on the northern side of the B4368. The proposed development site is overlooked by the scheduled monument of Norton Camp: a

large multivallate hillfort (National Ref: 1021073) though this is masked by substantial forestry planting. Supporting documentation accompanying this amended application includes a Heritage Impact Assessment (Castleryn Archaeology Report No. 421) requested by Shropshire Council's Historic Environment Team as an initial pre-determination recommendation for the proposed development. In respect of the current amended proposal this document and its conclusions remain relevant. The amended proposal boundary has been reduced in size to avoid most of the recorded archaeological surface remains but it encompasses part of a holloway running towards Whettleton deserted settlement and is immediately adjacent to the northern component of a dual linear cropmark and partial earthwork feature. The archaeological report recommends further evaluation of the site, including trial trenching, metric landscape survey and systematic field walking, to better understand the potential for sub-surface remains and to contextualise the application site within the surrounding landscape. I concur with these findings and note that the amended proposal, although avoiding most of the known archaeology, has the potential to impact upon discreet stratigraphic relationships and any unknown sub-surface remains.

- ii. In view of the above and in accordance with NPPF Section 128 I would recommend that targeted evaluation trenching of the site should be undertaken in conjunction with a systematic walkover survey of the arable field to the east prior to determination of the application. This would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. The trial trenching and walkover survey may conclude that further evaluation may be necessary to assess the extent, survival and significance of any archaeological remains. Depending on the nature of any additional mitigation it may be possible to undertake this in conjunction with the metric archaeological survey of the upstanding remains under planning condition before work commences on site. The Historic Environment Team would be able to provide the applicant with further guidance on how to proceed with carrying out the pre-determination archaeological evaluation.
- iii. Following officer discussion it has been confirmed that the additional archaeological work requested is capable of being progressed by means of a pre-commencement condition attached to any outline planning consent. An appropriate condition has been recommended in Appendix 1.

4.1.5 SC Affordable Housing: - No objection. Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.1.4 SC Highways DC: - No objection in principle to development and revised access point. Pedestrian and cycle links between the site and local amenities are restricted and therefore details of proposed layout should include pedestrian access at the

western end of the site, where the Right of Way meets Corverdale Road, but presumably Rights of Way will have an interest in protecting this link anyway.

4.1.4 SC Public Protection: - No objection.

4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).

4.1.6i SC Ecology: – Objection: Additional information is required relating to bats. 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 (2010). As reported in Star Ecology's Ecological Assessment (April 2013) there are trees on site which have the potential to be used by roosting bats. This includes 6 trees within the east and west boundaries of the building and yard complex and the 2 mature Alder trees at the immediate southwest of the site. No arboricultural assessment that shows that these trees are appropriate or fit for long-term retention next to a domestic development has been provided. From the current site layout plan it is evident that houses will be close to the retained trees and existing hedgerow. This application site meets the trigger point for requiring further bat survey work, since it involves development close to, or felling or lopping of mature trees, or removal of hedgerows. Trees should be assessed in line with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* by a licensed bat ecologist and if deemed necessary activity surveys should be undertaken. The bat survey should be as follows:

1. Trees to be removed should be assessed for potential bat roost habitat as described in The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012).
  2. Transect surveys should be carried out in line with the Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012) particularly focussing effort on any hedgerows to be lost.
- ii. All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012). Mitigation should be designed in line with the Natural England Bat Mitigation Guidelines. During the bat survey the ecologist should also record any signs of nesting birds and roosting or nesting barn owls. Any deviation from the methods, level or timing of surveys set out in the Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012) should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey, clarifying how the sub-optimal survey is ecologically valid.
- iii. Great Crested Newts - There are two inter-linked ponds in the development site. At the time of survey the ponds were linked and assessed as one pond. The Habitat Suitability Index for the site came back as 0.26. The pond has poor potential for supporting breeding Great Crested Newts. The following informatives should be on the decision notice:

- iv. Nesting Birds - The site has the potential for nesting birds. A condition and informative are recommended.
  - v. Streams - This site is bordered by a stream. This valuable ecological and environmental network feature must be protected in the site design and should have an appropriate buffer, of at least 20m, separating the feature from the proposed development.
  - vi. Landscaping Plan - The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved.
- 4.1.7i. SC Trees: - Objection. The Town & Country planning Act places a statutory duty on Local Authorities to treat trees on or adjacent to planning applications as a material consideration, the National Planning Policy Framework and Shropshire Local Development Framework Core Strategy amongst other considerations set out the aspiration that sustainable development should seek to protect, restore, conserve and enhancing the natural environment. It has been clearly stated in the Design Access and Planning statement that the existing natural environment features at the site are prominent and would be essential to the sustainable integration of this scheme into the local landscape (See sections 4.21, 4.37, 5.6, 5.7, 5.8, 5.9, 5.13, 6.1, 6.2, & 8.3). It is therefore imperative that if this outline application is approved the reserved matters establish that the applicant / developer produce a final site design and landscape proposal that is meaningful and ensures that existing natural features' are not compromised and that the sustainable retention of landscape and amenity assets is ensured.
- ii. Arboriculture: The outline application plans and particulars state that the existing group of trees opposite the Halford junction will be retained (See Design statement 4.37, 6.2 & 8.3) and that the boundaries of the site will be enhanced by additional planting, but there is no arboricultural assessment that shows that the trees are appropriate or fit for long-term retention next to a domestic development. Section 8.3 of the design statement and 4.4.3 of the ecological assessment identify the group of trees opposite the Halford junction and the group of alders in the sites south west corner as potential bat roosts. Despite comment on the previous site layout (ref.1509/02) this revised outline application offers no indication that an arboricultural constraints plan has been incorporated into the design process. Whilst it might be possible to comment favourably on the general principle of development on this land, from an arboricultural perspective in the absence of any arboricultural detail it would not be possible to agree or approve the site layout as shown on plan 1509-03-Rev.A. The points set out in section 2.1 to 2.2 add to a contradiction in the plans a particulars in that the repeated statement that the group of trees opposite the Halford junction will be retained and that the sites ecological sustainability will not be compromised clashes with the layout as suggested in plan 1509-03-Rev.A, in that the third house on the right has been positioned within the group of trees and the forth in close proximity to the west of the group. This group of trees contains several very large mature ash trees that have considerable bearing on the sites development and potential to impact negatively on future resident's enjoyment of their properties. Section 5.3 of the Design and access Statement t states that "*The general design principles relating to the site shape and*

*positioning of the site in relation to the visual aspect of the development are a material consideration and will be covered in this statement.*” The Tree services interpretation of which is that the Proposed Site Layout (Ref.1509-03-Rev.A) is essentially the plan to be granted or refused planning permission.

- iii. Landscape: For a number of reasons hedgerows in the landscape are important but particularly so where they are of historic value and are in the proximity of water courses and known or suspected bat roosts. Hedgerows in the landscape offer benefits both to the visual amenity of the area and more importantly as specific linear habitat within a complex mosaic of habitats whose continuity should not be disturbed without good reason. The applicant has identified the likelihood of bat roosts in the linked habitat, and the presence of the hedgerows on historic tithe award maps indicates that they are of historic importance. The proposed access arrangements plan (Ref. CR-AC-100) indicate the need for and position of a visibility splay, this will necessitate the relocation / removal of a large section of historic roadside hedgerow. Plan 1509/03/RevA also identifies a public footpath to be established the development side of the Craven Arms Road (B4368) with a further requirement to remove sections of hedgerow. If the proposal is considered for approval the detail for replacement / translocation of this hedgerow needs to be established as a reserved matter. The landscape proposal so far offered with this outline application offers no detail or specifications for establishment, maintenance and replacement for planting losses and gives no clear indication of the size and species to be incorporated. The Shropshire Core Strategy has indicated in CS6, CS16 & CS17 that development should seek to achieve an inclusive and accessible environment that respects and enhances local distinctiveness and that protects, restores, conserves and enhances the natural environment. In turn this helps to deliver high quality, sustainable tourism, and cultural and local economy benefits for communities and visitors, and is sensitive to Shropshire’s intrinsic natural and built environment qualities. The aspirations set out in 3.5 above are further underpinned by the Government white papers *Making Space for Nature* and *The Natural Choice: Securing the Value of Nature*, and in the revised planning guidance as laid out in the *National Planning Policy Framework* with particular reference to sections S7, S9, S28, S58, S61, S109, S116, S117.
- iv. Conclusion: Whilst the Tree Service has no objection to the principle of development at this site, taking into consideration the points raised in section 2 above; It is clear that the absence of arboricultural detail in relation to the group of trees opposite Halford Lane fails to realistically demonstrate and support the applicants claim that “the Technical reports and plans which accompany the application demonstrate that residential development can be delivered on this site in a sustainable form which has no adverse impact on the environment “. The proposed site layout has been offered as a material consideration and as such is supported with insufficient evidence for the Shropshire Council Tree Service to ascertain that it represents a sustainable development in relation to the Natural Environment. The Tree service is therefore put in the position that it must object to the amended application. For these reasons the Shropshire Council Tree Service objects to this application and recommends that it be refused. If the Tree Service objection is not supported and the application 13/01633/OUT is granted planning



permission we advise that arboricultural conditions should be applied (included in Appendix 1).

## 4.2 Public Comments

4.2.1 The application has been advertised in accordance with statutory provisions and the nearest residential properties surrounding the site have been individually notified. Twenty eight objections have been received in total with some individuals responding more than once due to re-consultations. The main issues are as follows:

- i. Traffic / highway safety: The traffic management on Corvedale would be a problem although there is a speed limit it is not adhered to causing problems for road users small and large turning onto the road. Motor bikes and cyclists would be particularly vulnerable. Traffic speeds on the road from which access is proposed (the B4368) are known to be often excessive and in breach of speed limits. Indeed, given continuing difficulties with traffic speeds adjacent to the entrance to The Bishop's House, an agreement was reached with the Shropshire Council Highway's Department for the erection of a traffic mirror. The mirror is imperative for those leaving The Bishop's House and wishing to turn west given speeds of approaching traffic from the east. The presumption that there will be 23 traffic movements during peak hours is probably a low estimate. The traffic flow of heavy goods vehicles has increased dramatically since the B4368 was re-designated as a road suitable for lorries/heavy goods traffic. There has been no improvement of the road from Pedlars Rest to Craven Arms since the re-designation. The short flow survey carried out for the outline planning application does not take this into account. It was too short a duration to be a viable representation. The B4368 is part of the National Cycle route and frequently used by cyclists many times in medium to large groups. Yet another junction on to the B4368 is yet another danger point. The assumption that there have been no traffic accidents on this stretch of the road is incorrect. Frequently there are accidents, taps and knocks with cars, agricultural traffic or heavy goods vehicles and more serious ones involving motorbikes. The B4368 is heavily used at weekends and Bank Holidays by motorcyclists travelling in both directions. The Police are concerned enough about safety, or lack of it, that there is a mobile unit in Tuffins car park most weekends. The speed of traffic travelling from the East is frequently excessive and despite the 40mph sign traffic, travelling to the East can reach 50+mph before reaching Halford Lane. Why add another junction to add another danger point. In times of accidents on the A49 the B4368 is the deviation route for traffic off the A49. It is already a 18mile+ detour. What will be the alternative while the B4368 has the necessary major construction work?
- ii. Drainage and flooding: More hard standing would mean more run off into the river, at times like this when the river floods, causing more flooding for other properties downstream. If hedging and trees are going to be removed these act as sumps in times of flooding, holding onto excess water. The field flooded with standing water for several days during 2013. in this present bout of stormy weather the fields are sodden but are helping to slow the run off into the River Onny and reduce the flooding downstream towards Ludlow and beyond. Farmland should not be taken to be covered in bricks and concrete increasing the speed of run-off. The area is a

flood plain and at the time of writing the ground is completely saturated. The hard surfacing will only make the possibility of flooding greater and thus affecting the houses near the river. I would like to bring to your attention and no doubt others already have in that 'the rough' floods not just every winter but also during the summer if bad weather. Last year alone it flooded badly three times and already twice this year. Any development close to the river and any that alters water run off or soak away only exacerbates flooding further down river ie Old Newton. Already we have seen higher water levels over the past few years and will cause damage to these properties. We already have difficulty getting home insurance as we are now classed a flood risk high. Surely better brown field sites in Craven Arms would be of better choice. The plans for surface water drainage ie the pipe attenuation system is unproven and there are many instances of failure during periods of prolonged or heavy rainfall. The rainfall throughout 2012 proved the inadequacy of the attenuation system.

- iii. Leisure / amenity: The 'Rough' is a valuable community resource. It is regularly walked by Community Walking Groups. Dog walkers use it every day. It is valuable agricultural land used for food crops and grazing sheep and cattle. The site is a valuable community resource as well as being good quality agricultural land (both arable and livestock). As a cyclist I use the road into town frequently and would be wary of putting a junction on that stretch of road; it is downhill to the river and emerging motorists could easily fail to appreciate the speed at which a cyclist was approaching. Should planning be granted then it would be important to enlarge the footpath space running from Whettleton (this is most likely the course taken by the old stagecoach route heading to the ford the existed beyond Halford to Newington) in order to recognise its history. I noted that it was intended to plant shrubs and trees on either side of the paths. So what we end up with is an overgrown mud track that never sees the light of day, it's going to be like numerous muddy bridleways I can think of, that never get any sun to dry them out. Open field footpaths never get muddy as this present area shows. These footpaths have existed for many, many years in its present form, It's part of our heritage and should be left in their natural state. Craven Arms "Gateway to the Marches" has, in the last number of years been advertised / promoted and hailed as a Shropshire beauty spot and centre for visitors and walkers alike. Both tourists and locals enjoy the surrounding countryside this small town has to offer as it is both beautiful and easily accessed from many parts of the town. In particular the field known to locals as "The Rough" which is the area for the planning application/development to be situated. It is well used by many locals from both ends of the town and is a safe haven for the family to enjoy a couple of peaceful hours. Before too long there will be nothing for these locals, visitors/walkers to come here for and will go elsewhere to find unspoilt natural areas such as this we can offer. "The Rough" has been enjoyed for country walks by locals for many many years and explored by many generations of children growing up here. I myself have fond memories of playing and exploring the unspoilt countryside here whilst growing up, as do my family and friends. I hope it will still be here for my own children to explore and introduce their friends to the beauty of it all for many years to come. At the moment the town has a steady trade from tourists and daily visitors to the area, and not everybody wants to go walking around the confines of the discovery centre where paths are marked out and where other visitors round every corner, You can find that at many local parks

and forestry areas. Some come here to enjoy the nature and solice of a big, wide open space where you can wander and feel you are in a safe environment , mostly untouched by man for many generations, just the odd sheep and cattle herds! If this field is built on it will in my opinion spoil some of the appeal that Craven Arms has to both local and future residents not to mention the vistors and tourists that the town is relying on more and more. The public footpaths around the perimeter of "the rough" are used extensively by locals and walkers visiting the town alike. It is a pleasant walk at any time of the year in amongst the sheep and cattle and surrounding outstanding natural beauty. These public footpaths would conflict with the proposed planning as shown on the plans details. They should not be interfered with by having housing development built over them. These footpaths are part of our heritage. The footpath proposals within the development are excellent but fail at the eastern end of the bridge where the pathway narrows to accommodate only one person. It is unacceptable to expect a mother with small children to have to walk along it in single file, or to have to walk in the gutter or to cross the road twice in order to walk side-by-side on the opposite pavement. The current pathway is also too narrow for a wheelchair. More street lighting would be necessary for safety at night if the development proceeds. A new housing estate adjacent to an attractive footpath waymarked from the Discovery Centre does not fit well with the Council's endeavours to encourage tourists to the area. Tourism needs support in order to remain an essential part of the local economy.

- iv. Precedent for further development: Building on this land would mean there was then the potential to 'infill' between 'it' and Newton. Craven Arms is large enough already. I am not against building but feel there is more need for smaller housing stock in Craven Arms on Brown Field sites which there in town. The number of homes applied for has been reduced but experience has shown that this will open the door for further development.
- v. Better alternative sites: As the abbatoir is planned to be moved it would make sense for this to be redeveloped as a (brownfield) site to enhance the approach into the town; leaving the river as the natural boundary setting off a (hopefully) well designed mixed development of housing suited to both locals and incomers.
- vi. Trees: The proposed houses located by the existed mature plantation of trees should be removed; it is likely that they would disturb the trees roots and that any prospective owners would not be happy to have such mature ashes so close to their homes. Further there would be much disturbance to the mature hedgerows with only vague comment about how they will be replaced. On the West riverside boundary of this proposed site stand three mature Oak trees standing approx 30ft tall, these have been omitted from all site plans. While the trunks themselves do not encroach onto the proposed development, the rooting system certainly will. Quoted from tree experts, and relevant to this site; Physical injury to the trunk and crown can be caused by construction equipment in the above ground portion of a tree, by breaking branches, tearing the bark or wounding the trunk. These injuries are permanent and if extensive, can be fatal to the tree. The digging and trenching that are necessary to construct a house and install underground utilities will likely sever a portion of the roots of trees in that proximity. The roots are mostly found in the upper 6 -12 inches of soil and with mature trees 1 - 3 times the height of the tree



severing 1 major root can cause the loss of 5/20% of the root system. Another result from root loss caused by digging and trenching is a potential for the tree to fall or blow over. As these Ash trees mature further, they become a liability to property in close proximity. Ash having a brittle nature may cause home owners to request their removal. Solution Build on a more suitable site.

- vii. Sewer capacity: The existing sewers lie the other side of the river and from my local experience are most likely of insufficient capacity to deal with such a development. Research should be done to ascertain flow rates plus to confirm whether the road would need to be closed and for how long (it is a long detour should it be closed). This site is not served by a public foul sewer, you will find the nearest foul sewer over the river 100 yds down the road near the abattoir. The plan for foul drainage is brief and suggests that mains drainage will be provided by extending the town sewage network. This is a major undertaking involving major traffic disruption to the B4368,
- viii. Questioning need: A lot of the recent developments around the town have been of this larger style of house (see Heritage Gate and Halford Meadows). For the existing (growing) population more small sized development is required; there has been an influx of younger workers who need good quality housing suited to their needs. The development is of no value to the people who live in Craven Arms and is merely a money making project. Why build here when there are brownfield areas in CA itself like the temperance house. This has been in dire need of developmet for years and obviously shows there is no demand at the moment for more houses elsewhere. There is no highly paid employment in Craven Arms or within walking/cycling distance. In fact there is little employment available at all. The new residents are most likely to be commuters adding to traffic on the A49 and B4368 in both directions. It is proven that commuters add very little to the local economy or social life. The other likely group of purchasers are the newly retired from outside the area. South Shropshire already has a national disproportionate high percentage of OAP'S and services are over stretched. If it does go ahead I see that all the houses are for members of the public of a certain class there is no houses for people who need housing. This therefore is just about making money.
- ix. Ecology: It is an area rich in wild life, including otters, kingfishers and bats, which would be affected by this building work; once disturbed it is unlikely that it will return. The proposed site is very close to the sensitive River Onny, it provides a corridor for numerous wildlife. Many shy species such as Kingfisher, Dippers, Heron and Otters with Red Kites and Buzzards also frequenting the surrounding area. From Ludlow through to the Source of the Onny near Linley is approximately 14 miles is clear of development in close proximity. New homes bring new pets and in this area are otters kingfishers etc all protected and therefore at great risk of predation.
- x. Archaeology: The archaeological report shows that there a high likelihood of there being important evidence in the area. Archaeological Survey: This survey highlighted the field markings across the East sector of "The Rough" to Halford. This was a preliminary field survey with a recommended further level of field work. This has been taken advantage of, by locating the amended proposed site just

inside any field markings shown. It is suggested by the developers that a Grampian style condition excavation is used on the proposed development site. This is an invasive archaeology, (generally used in towns and city areas where access to original level is impossible, e.g. concrete, rubble etc...)As this site is void of any obstacles, Question- why not let the archaeologists complete their fieldwork survey?.Answer- cost=loss of profit! On the eastern boundary a mediaeval cart track runs from Halford to Wettelton and then on to Stokesay. The bank to the south side of the stream that passes through "The Rough" called "Cats Hill" ( old field name) One can clearly see the ridge and furrow markings from centuries ago. On the Eastern side of the field there are a number of anomalies and also by Halford bridge against the road hedge, is what looks like an old road way.It requires a professional archaeologist to evaluate and if necessary record them.

- xi. Loss of agricultural land: A large percentage of the farmland designated for development is arable land. I have lived at Mill House for 27years and the arable land has been sown every year, usually 2 crops a year. At no time has it been fallow. The field known as 'the Rough' is pastureland/grazing for sheep & lambs, cows & calves. Farming is to be encouraged. This area is a valuable resource, vital to the UK economy. To take 1.9 or 2 hectares of productive land is irresponsible and no way to 'kick start the UK economy'?
- xii. Policy: I would like to draw your attention to the LDF Implementation plan and local investment Craven Arms and surrounding area place plans 2.3 community led plans in Craven Arms. Conserve the important features which give Craven Arms and its surrounding rural area its identity. Protect the countryside and the character and appearance of villages. Protect the natural cultured and historic heritage of a local area. By allowing this planning application to be passed, will surely go against all that is to be achieved in these statements. The land is not included in the Craven Arms plan for house building, The proposed development site stands to the east of the River Onny and therefore, strictly speaking, in the Hamlet of Halford and not Craven Arms. The River has traditionally formed the boundary between the two. In the submission to the SAMDev consultation the Town Council had not identified this area for preferred development. The Town Council Resolved that an objection be made to the application as the Council did not want to see development in this rural area which was on arable/leisure/historic land and is not seen as being relating to Craven Arms. This planning application is well outside proposed development boundary in the SAMDev. The fact is that a considerable amount of time and thought has gone into the structuring and organising of a future growth plan for the town and deviating from this makes a nonsense of it. If the abattoir were to move away, then the need "to soften the current unsympathetic visual character of development at the eastern gateway of Craven Arms" (to quote your plan) could be met by redevelopment of the abattoir site rather than by taking good productive farmland out of use.
- xiii. Other: Old Army Huts: Just to make it clear that these huts were erected during WW2, and were used for storing ammunition. A lot of live rounds have been found in close proximity to this compound over the years, and I am a first-hand witness to that. So one can only surmise, what could be lying in the ground inside the fenced area of this site?. The outlook from the southern aspect of my client's property will

be totally destroyed. The current view over unspoilt Shropshire fields and valleys to be replaced by, it is proposed, a rather uninspiring development of brick, tile and chimney. There is no bus service along the Corvedale Road. The regular service is once fortnightly to Telford and back leaving around 10am and returning early afternoon. It is more of a coach trip than a bus service. I have known and used this field for over 55 years. This field was used by Stokesay County School since it was built in 1896, as a sports field until the current playing field was adopted in about 1964. This field boasted a fine well maintained cricket pitch and pavillion situated in the large quarry, used by the local school and cricket team. Football and rounders were also played on the field. The field has remained completely unspoilt and would look just as it did 100 years ago, with the exception of the electricity poles. To provide a kerbside collection, we will need confirmation that the roadway on this development used by refuse vehicles will be of adequate size and construction to allow access, turning and exit of vehicles up to 32 tonne GVW rigid body refuse collection vehicle including overhang for tailgate and bin lift and minimum single axle loading of 10 tonnes. The width of the turning area will need to be sufficient to take account of the manoeuvring refuse collection vehicle and parked vehicles.

## 5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Design of the proposed development
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;
- Social impact – residential amenity, public safety, footpath;
- Economic impact;
- Overall level of sustainability of the proposals.

## 6.0 OFFICER APPRAISAL

### 6.1 Policy Context and principle of the development:

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act establishes a presumption in favour of development which is in accordance with the Development Plan. The National Planning Policy Framework establishes a further presumption in favour of sustainable development and advises that local planning authorities should positively seek opportunities to meet the development needs of their area (para. 14). The current application is however partly located within the AONB where the NPPF advises that where great weight should be given to conserving the landscape (para.115) and special tests apply (para.116). Accordingly, this additional policy test is also considered below.

6.1.2 The site falls within the Craven Arms area of the emerging SAMDev. Craven Arms is identified in the Shropshire Core Strategy as a Key Centre in Policy CS3. The scale of development proposed in Craven Arms reflects both the role of the town as the local growth point in the A49 corridor and the potential of the town to deliver housing, employment and services to enhance its function as a primary service centre in the AONB at the gateway to both the Corvedale and Clun/Kemp valleys. The western half of the site and a larger area to the south was originally identified by policy officers as a potential allocation in the draft SAMDev issues and options document with the eastern half within the AONB being excluded. However,

following community representations this proposed draft allocation has not been carried forward into the current pre-submission draft plan.

6.1.3 Accordingly, the proposals to develop 12 open market properties would not comply with this emerging policy as the site falls outside the area of any current draft allocation. However, housing land supply in Shropshire has recently fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved policies on housing supply are now out of date and this has implications for future planning decisions. The NPPF states (para 14) that 'where the development plan is absent, silent or relevant policies are out-of-date, (permission should be granted) unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted'.

6.1.4 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to remain until the SAMDev is adopted. Legal caselaw has established that whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward with developments which might not otherwise succeed when the SAMDev is adopted.

6.1.5 The key policy test to apply therefore at this stage is not whether the proposal complies with emerging policy and the parish / community action plan but whether or not it would be so fundamentally flawed that it should not be regarded as sustainable. If a proposal does not comply fully with some individual sections of the NPPF it may still be regarded as sustainable overall. The NPPF advises that there are three dimensions to sustainable development – environmental, social and economic (NPPF 7). In order to assess the sustainability of a proposal it is necessary therefore to evaluate these three dimensions before deciding whether the development can be regarded as sustainable overall. This is having regard to relevant policies and guidance and also to any benefits offered by the proposals.

6.1.6 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, amenities, the environment, infrastructure, economy and local community relative to the existing situation and, if so, are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

## 6.2 Environmental Sustainability

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. However, the proposals involve the provision of a new and revised access onto the Corvedale Road at a point where adequate visibility can be achieved. Highway officers have not objected and it is not considered that the level of traffic likely to be generated would be sufficient to justify a planning refusal. Highway officers have noted that any detailed application should incorporate provision for pedestrian access at the western end of the site where the Right of Way meets Corvedale Road. The potential would exist in principle to install a footpath within the site boundary to the south of the roadside hedge. A condition covering this matter has been recommended in Appendix 1. Exact details of the junction and internal access roads would be provided at the reserved matters stage. However, it is considered that the proposals can be accepted in highway terms at this outline stage. (Structure Plan Policy CS7).
- 6.2.2 Arboriculture: The Council's trees section has objected to the proposals on the grounds of potential impact on mature deciduous trees which occur locally along the roadside and in a small coppice area at the centre of the site (defining the margins of a former army hut). The objection is however qualified by the inclusion of recommended conditions in the event that the committee is minded to recommend approval of the current outline application.
- 6.2.3 An overlay of the proposed indicative layout on a recent satellite image confirms that of the 12 properties, only one (a semi-detached in the middle of the site) would be within 8m of the any existing tree. This is a smaller hedgerow tree and the property is likely to be well outside the respective root protection zone. The nearest of the mature ashes on the northern boundary of the site would be at least 13.5m from the nearest indicative property – again well outside the likely root protection zone. The two middle semi-detached properties would have partially shaded back gardens due to the presence of the trees. However, these indicative properties would have good sized, unshaded south-facing front gardens. Other properties shown on the layout plan would be between 14 and 60m from the nearest mature tree. The applicant has agreed to accept an arboricultural method statement condition on any permission. This would ensure that the development does not impact adversely on any mature trees within or adjacent to the site. It is concluded that tree protection issues are capable of being satisfactorily addressed by condition at the reserved matters stage and that refusal at the current outline stage cannot be justified. The proposals therefore comply with the relevant section of Core Strategy Policy CS17.
- 6.2.4 Ecology: The application is accompanied by an Ecological Assessment which concludes that the site is of low ecological value and does not contain any protected species. The Natural Environment team has objected on the basis that the group of trees opposite the Halford junction may be used by bats for roosting purposes. However, the applicant has confirmed that these trees will be retained as part of the scheme and has agreed to accept conditions covering the following matters with relevance to ecology:



- a method statement for protecting the trees;
- a lighting scheme condition to prevent disturbance to bats;
- a drainage condition to prevent effects on tree root hydrology;
- a requirement to undertake a supplementary bat survey prior to the commencement of any development.

Appropriate informative notes referring to other ecological interests have been recommended in appendix 1. Landscaping is also proposed and would add to overall levels of biodiversity within the site, including by the formation of a wildlife corridor around the site. The above measures would prevent any adverse impacts from occurring to the trees and would inform any detailed development proposals at the reserved matters stage.

6.2.5 The spatial relationships between the indicative site layout and existing mature trees are described in the preceding section. The site is a large plot in relation to the number of properties and there is plenty of scope in principle to position the built areas within the site so as to maximise separation distances from trees and ensure that ecological interests are adequately safeguarded. This has been a key objective of the indicative layout. Detailed mitigation provisions could be imposed if necessary at the reserved matters stage if any bats are found following detailed survey work. Hence, even assuming a 'worst case' scenario, it is considered that any potential impacts would in principle be capable of being fully mitigated at the reserved matters stage within the context of the proposed development. Officers have explained this approach with the Council's Ecologist and appropriate ecological conditions and informative notes have been recommended in appendix 1. It is considered on this basis that refusal on the grounds of ecology cannot be substantiated at this outline stage and that the proposals are capable of complying on balance with Core Strategy Policy CS17.

6.2.6 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems with the Onny Brook worse due to replacing agricultural field with less permeable surfaces. The land slopes generally to the south and west and there is potential for water to be discharged more rapidly off the site. However, the Council's drainage team has not objected, provided appropriate drainage conditions and advisory notes and placed on any decision notice. These are included in Appendix 1. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. The use of permeable paving and gravelled parking areas would ensure that no unnecessary surface water run-off is created. Water butts could also be incorporated into the scheme to ensure that a natural resource is not wasted. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. These are capable of being secured at the reserved matters stage. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.

- 6.2.7 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs near to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package treatment plant at the site would however exist, subject to a separate planning permission, if a main sewer connection was not achievable. It is considered that this would be a potentially sustainable fall-back position given the size and location of the site. (Core Strategy Policy CS8, CS18)
- 6.2.8 Amenities: The indicative layout plan shows properties which are of a 1½ height design adjacent to the highway frontage. A schematic cross section across the site from an existing property at Halford Meadow indicates that there would be no privacy issues and any existing longer-distance views of the countryside beyond the proposed site from upstairs windows are likely to be maintained. A condition requiring submission of a Construction Management Plan has been recommended and would control matters such as hours of working and management of construction traffic. It is recognised that the site also benefits from a degree of natural screening from vegetation and that the number of publicly accessible viewpoints towards the site from the wider area is limited.
- 6.2.9 Rights of way: The site is traversed from north to south by two existing public footpaths which are protected by Core Strategy Policy CS16. These form part of a wider network of public footpaths radiating from the Secret Hills Discovery Centre into the Onny Valley and the hills east of Craven Arms. A further footpath passes along the western edge of the site but would be unaffected. This leisure asset is well used by locals and visitors alike, although the footpaths traversing the site do not form part of a strategic through route, providing a return link instead for circular walks to the east of the Discovery Centre.
- 6.2.10 The indicative layout plan for the site confirms that these footpaths would be maintained as 'green lanes' through the site, giving a 'permeable' effect to the development. The opportunity would exist to improve the surface of these footpaths for the benefit both of existing users and the occupants of the proposed new properties alike. Privacy is capable of being maintained through sensitive margin treatments and appropriate stand-offs. An appropriate condition has been recommended.
- 6.2.11 One of the footpaths allows passage to the western corner of the site and the beginning of the public footpath link to Craven Arms. It would be necessary to ensure that access was retained along the footpaths during any construction works. In principle however, if temporary closure of one footpath was necessary then an alternative route would exist via one of the other nearby footpaths. A Construction Management Plan condition is included in Appendix 1 and refers to this footpath requirement. It is concluded that subject to the recommended conditions the

proposals are capable of being accepted in relation to rights of way considerations. (Core Strategy Policy CS16)

6.2.12 Agricultural land: The site currently comprises agricultural land, some of which is likely to be of best and most versatile quality and, as such, protected by the NPPF. However, the area of affected arable land is not great and the site occupies a marginal area of two existing fields which would not otherwise be impacted upon. It is not considered that an objection on the grounds of effects to agricultural land could therefore be sustained. (Core Strategy Policy CS17)

6.2.13 Archaeology: The application as originally submitted included a larger area of 1.9ha but this was reduced to the current size following the identification of potential archaeological features of interest to the south of the current site. The council's archaeologist has requested that a further archaeological evaluation is undertaken, targeted as specific potential linear areas within the current site. Following discussion with officers it has however been confirmed that this requirement can be progressed at the reserved matters stage. An appropriate condition has been recommended in Appendix 1. It is concluded on this basis that archaeological matters are capable of being accepted at this outline stage. (Core Strategy Policy CS17)

6.2.14 Interim conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for further ecological, archaeological and arboricultural evaluation at the reserved matters stage. However, it is not considered that there would be any unacceptably adverse environmental effects which would justify refusal at this outline stage when available mitigation measures and recommended conditions are taken into account. The proposals would therefore meet the environmental sustainability test set out in the NPPF, provided there would be no unacceptably adverse impacts on the AONB.

### 6.3 **AONB**

6.3.1 The eastern half of the proposed site is located within the AONB where 'great weight' should be given to protecting the environment (NPPF 116). Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.



Less than half of the site is located within the AONB and the proposed development would represent a relatively limited incursion into the margin of the AONB (6 properties and 0.36 hectares).

- 6.3.2 AONB - Effect on the environment: The indicative layout and sections support the conclusion that the site is capable of being incorporated without any unacceptably adverse impact on the surrounding area. Existing vegetation would be retained and additional vegetation would be provided as part of the proposed landscaping scheme. It is not considered that there would be any unacceptably adverse impacts on other features of acknowledged importance (e.g. archaeology, drainage, traffic, ecology) which are not capable of being satisfactorily addressed by imposing appropriate planning conditions. There is an existing grouping of houses at Halford Meadow to the immediate north and it is considered that the proposed development would potentially integrate with rather than detract from these existing properties, provided the design was of a sufficiently high quality. Detailed design would form a reserved matter of any planning approval.
- 6.3.3 The applicant has stated that the proposed development has been conceived as a 'gateway feature' on the eastern approach of Craven Arms. A further amendment to the indicative layout plan has been provided following discussion with officers. The objective is to provide a 'permeable' development edge with houses set back from the highway and amongst vegetation rather than an abrupt transition from rural to urban. There is also a concern not to impact adversely on the amenity and privacy of properties to the north of the road. It is considered that the latest indicative layout achieves this objective, including through the specification of 1½ height housing, careful alignment of gable features, a commitment to high quality design, retention of existing vegetation and proposed landscaping measures.
- 6.3.4 AONB - Cost and scope of developing elsewhere: The SAMDev does identify alternative development sites within the existing settlement curtilage. However, it is considered that the context of the existing allocated sites does not lend itself ideally to provision of housing of the type proposed in the current development. The applicant has stated that the town is not well provided for with this larger type of housing which has the potential to attract executives to the town who may consolidate existing employment opportunities. Whilst this may not provide an overriding justification for developing the current site the limited extent of the incursion into the AONB, the limited impact of the scheme on the local environment and the presumption in favour of sustainable development should also be noted.
- 6.3.5 AONB - Need for the development and consequences of refusal for the local economy: It is considered that there is a need for this type of housing in Craven Arms to redress an imbalance in the local housing mix. As with all housing proposals the current scheme would deliver economic benefits from construction employment and investment of occupants in the local economy which are recognised by the NPPF. The potential for occupants to support local employment creation has been noted above, as has the limited extent of the incursion into the AONB.

6.3.6 In conclusion it is considered that that any adverse impacts on the AONB would not be unacceptably adverse. There are a number of arguments in support of the proposed development on this margin of the AONB and development must be considered in the context of the presumption in favour of sustainable development set out in the NPPF. It is concluded that any minor impacts on the AONB are not sufficient to justify planning refusal in this case. The proposals therefore comply on balance with relevant policy including NPPF 116. (CS5, CS6, CS16, CS17)

#### **6.4 Economic sustainability:**

6.4.1 As previously noted, all housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. The existing footpaths traversing the site would be retained and upgraded, so would not be adversely affected. Part of the site is just within the AONB. However, it is not considered that there would be any material adverse impact on the enjoyment of the AONB. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

#### **6.5 Social sustainability:**

6.5.1 The need to achieve an appropriate housing mix is a key principle of sustainable housing provision. The applicant's indicative layout plan indicates that the development would deliver eight larger 3-4 bedroom properties and four 2-3 bed roomed homes. It is stated that this housing mix would meet a local demand. The exact details would be agreed at the reserved matters stage. It is however considered that the proposed site would be capable of delivering a type of housing (larger 3-4 bedroom homes) which is not well provided for in the existing housing mix of the town. The proposals would bring new people into the community who may potentially contribute to the social vitality of the community. The internal link to the existing footpath network would ensure that occupants of the proposed properties do not have to rely on cars to access services within Craven Arms.

6.5.2 The proposed site is located close to key community facilities and would be linked to them by an existing internal footpath which would be upgraded. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded south facing aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals. It is considered that a properly designed scheme would not result in any unacceptably

adverse impacts on the amenity of existing residents or footpath users. The proposals therefore meet relevant NPPF tests regarding social sustainability.

## 7.0 CONCLUSION

7.1 The proposal would involve the development of 12 dwellings for open-market occupation a short distance to the east of the existing settlement edge at Craven Arms. The site does not comprise an allocation in the current pre-submission draft SAMDev policy document. However, in the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.

7.2 The site is in a sustainable location in relation to Craven Arms and that the proposals would not result in any unacceptably adverse impacts on interests of acknowledged importance, including the AONB. The application site is of a suitable size to accommodate the development and would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan. The proposed housing mix would help to meet a shortfall in this type of housing within the settlement of Craven Arms. It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver an affordable housing contribution.

## 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. If 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 intervene 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 three months after the grounds for making 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 1970.

**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.

**10.0 BACKGROUND****Relevant Planning History**

None of relevance to this proposal

## Relevant Planning Policies

## Central Government Guidance:

**10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)**

**10.1.1** The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

**10.1.2** Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;

- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

## 10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, 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 and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring 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 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, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local



standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic*

*resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.* Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

Supplementary Planning Guidance: Type and affordability of housing (March 2011)

## **Emerging Planning Guidance**

SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
  - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
  - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
  - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
  - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Water Management SPD
5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including;
  - i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;
  - ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses;
  - iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.
6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design;
7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

### iii. MD3 - Managing Housing Development

#### Delivering housing:

1. Residential proposals should be sustainable development that:
  - i. meets the design requirements of relevant Local Plan policies; and



- ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
- iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

- 2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.

Matching the settlement housing guideline:

- 3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:
  - ii. The likelihood of delivery of the outstanding permissions; and
  - iii. Evidence of community support; and
  - iv. The benefits arising from the development; and
  - v. The presumption in favour of sustainable development.
- 4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

- 1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
- 2. Dwellings to house essential rural workers will be permitted if:-
  - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
  - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,

- c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
  - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
  - b. the dwellings are restricted as affordable housing for local people; or,
  - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.
- v. MD7b – General Management of Development in the Countryside  
Further to the considerations set out by Core Strategy Policy CS5:
  1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
  2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;

3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
  - a. Required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
  - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
  - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land;

New Strategic Infrastructure:

3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
  - i. Residential and other sensitive neighbouring land uses;
  - ii. Visual amenity;
  - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
  - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
  - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
  - vi. Noise, air quality, dust, odour and vibration;
  - vii. Water quality and resources;
  - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
  - ix. Cumulative impacts.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.....

vii. MD12: The Natural Environment

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
  - i. the special qualities of the Shropshire Hills AONB;
  - ii. locally designated biodiversity and geological sites;
  - iii. priority species;
  - iv. priority habitats
  - v. important woodlands, trees and hedges;
  - vi. ecological networks
  - vii. geological assets;
  - viii. visual amenity;
  - ix. landscape character and local distinctiveness.In these circumstances a hierarchy of mitigation then compensation measures will be sought.
2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

S7 Craven Arms Area - This emerging policy identifies the allocated development sites within Craven Arms. Five separate housing sites are identified with a total number of 350 houses. The current site is not allocated. This is in the middle of the figure of 2-500 properties set out at the issues and options stage of the SAMDev and conforms with historical levels of housing provision within the town over the past 20 years.

Other plans:

The Craven Arms Area Action Plan identifies the following as community needs and priorities:

- Enable Craven Arms to develop in a sustainable way as a growth centre;
- Conserve the important features which give Craven Arms and the surrounding rural area its identity and distinctiveness;
- Preserve and conserve important places;
- Protect the countryside and the character and appearance of villages;
- Reuse derelict sites such as the Temperance Hall, ex labour club, railway sidings and under utilised sites;
- Make buildings fit in with their surroundings;

- Make Craven Arms more attractive;
- Increase and improve community open space and create wildlife habitats;
- More car parking provision, particularly outside schools;
- Provision of jobs that suit a variety of skills that are better paid;
- Encourage business start up within the area and home working;
- Relocate the abattoir;
- Identify new employment land;
- Support Farmers Markets and other food initiatives ;
- Develop community allotments;
- Develop park with riverside walk;
- Create a community garden;
- Ensure any new development contributes to play area provision;
- Improve and extend leisure centre facilities;
- Encourage learning for all;
- Find new burial sites, including green burial site;
- Design out crime in the built environment and reduce fear of crime;
- Create safer places for young people to congregate without intimidating residents;
- Footpaths, cycleways and crossing points in new development;
- Make A49 safer for all road users and pedestrians
- Local Joint Committee
- Craven Arms is located within the Craven Arms and Rural Local Joint
- Committee Area. The following needs and priorities have been raised by
- the local community as part of Local Joint Committee meetings:
- Craven Arms and Rural Local Joint Committee
- The following needs and priorities have been raised by the local community
- as part of Craven Arms and Rural Local Joint Committee meetings:
- Rural transport and parking
- Police and community safety
- Flooding
- Highways
- **Health provision**

The relevant Local Joint Committee identifies the following amongst other priorities for Craven Arms:

- Support the Town Centre Enhancement Scheme
- Improved access over the railway
- Improvements to education and skills
- Highway improvements
- Improvements in health facilities
- Improvements to schools
- The Abattoir (Euro Quality Lambs) is a bad neighbour for adjoining residential uses and causes nuisances from smells and highway obstructions. It is also poorly maintained and detracts from the character of Corvedale Road. Euro Quality Lambs wish to relocate and expand into beef slaughter and butcher and process carcasses. It is a long standing objective of both Euro Quality Lambs and also the Town Council for the abattoir to relocate. The preferred location is north-east of Shrewsbury Road (A49)

outside the current built form of the town. This would release the current Abattoir site for redevelopment.

- A highway improvement scheme to widen Watling Street, providing pedestrian, cycling, traffic management and highway junction developments prior to any sites are developed in this area. However, Watling Street is a historic boundary with Sibden Carwood village to the west. The residents on the west side of Watling Street have a greater affiliation with Sibden and want Craven Arms to be physically contained by Watling Street. Widening Watling Street would encroach on a significant local and historical division North of Long Lane Industrial Estate is seen as the logical location for future employment development. Before this land (between the northerly extension of Watling Street and the rail line) is released the Town Council want public investment to access and service the land in order to pump prime investment in the local commercial property market.

12. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 13/01633/OUT and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr David Evans, Councillor Lee Chapman (Church Stretton and Craven Arms)
Appendices: Appendix 1 – Conditions



## APPENDIX 1

### Legal Agreement

1. Affordable housing contribution;

### Planning Conditions

#### STANDARD CONDITIONS:

- 1 The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
  - i. The siting and ground levels of the dwellings;
  - ii. The design and external appearance of the dwellings;
  - iii. Details of the materials, finishes and colours of the dwellings;
  - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

4. Notwithstanding the approved details, no trees or hedgerows shall be removed within the site unless such vegetation has first been assessed for potential bat roost habitats in accordance with the advice set out in the Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012).

Reason: To prevent adverse impact on bats, all species of which are European protected species.

5. A total of 12 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted and maintained for the lifetime of the development.

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

Notes:

- i. *Transect surveys should be carried out in line with the Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012) particularly focussing effort on any hedgerows to be lost.*
- ii. *All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012). Mitigation should be designed in line with the Natural England Bat Mitigation Guidelines. During the bat survey the ecologist should also record any signs of nesting birds and roosting or nesting barn owls.*
- iii. *Any deviation from the methods, level or timing of surveys set out in the Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012) should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey, clarifying how the sub-optimal survey is ecologically valid.*
- iv. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- v. *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.*
- vi. *On the site to which this permission applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.*
- vii. *The site has the potential for nesting birds. The following condition and informative should be on the decision notice.*



- viii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- ix. *The Council's Ecologist has advised that the stream bordering the site is a valuable ecological and environmental network feature which must be protected in the site design and should have an appropriate buffer, of at least 20m, separating the feature from the proposed development.*
- 6a. Construction of the development hereby permitted shall not be commenced until details and sizing of the proposed soakaways have been submitted to and approved in writing by the Local Planning Authority.
- b. If non permeable surfacing is used on the driveway and parking area or the driveway slopes toward the highway, the applicant shall submit for approval a drainage system to prevent water flowing onto a public highway.
- c. A contour plan of the finished road levels shall be provided to the local planning authority prior to the commencement of the development. The contour plan should be accompanied by a confirmation that the design has fulfilled the requirements of Shropshire Council's Interim Guidance for Developers on Surface Water Management (paragraphs 7.10 to 7.12) to ensure that the development site does not contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site to minimise the risk of surface water flooding (4a) and to ensure that no surface water runoff from the new driveway runs onto the highway (4b) and to ensure that any flows from internal road surfaces are managed acceptably on site (4c).

Notes:

- i. *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 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*

- ii. *The applicant should consider employing measures such as the following:*
- *Swales*
  - *Infiltration basins*
  - *Attenuation ponds*
  - *Water Butts*
  - *Rainwater harvesting system*
  - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
  - *Attenuation*
  - *Greywater recycling system*
  - *Green roofs*
- iii. *Consent is required from the service provider to connect into the foul main sewer.*
7. Prior to the commencement of the development a highway drainage scheme including calculations and a contour plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that exceedance flows will not flood any adjacent property, and:
- i. that proposed highway gullies will be able to transfer the 1 in 100 year + climate change storm event into the surface water system efficiently; or,
  - ii. that there is sufficient capacity for exceedance flows to be stored within the site prior to entering the highway drainage system.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the proposed tank is not being used.

Notes:

- i. *On the Pluvial Flood Map, the extreme western part of the site is at risk of surface water flooding. The applicant should ensure that surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level.*
  - ii. *Consent is required from the Environment Agency to outfall to the River Corve.*
  - iii. *Consent is required from the service provider to connect into the foul main sewer.*
- 8a. No ground clearance, demolition or construction work shall be commenced on the application site until a scheme of protection measures for the existing trees and hedges within and adjacent to the site has been submitted to and approved by the Local Planning Authority. The submitted tree protection scheme shall include a tree protection plan that reflects the guidance within BS5837:2012. All measures comprised in the tree and hedge protection scheme shall be implemented and retained throughout all of the clearance and construction works on the site.
- b. Where the approved detailed plans indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees or hedges, an

Arboricultural Method Statement (AMS), detailing how the approved construction works will be carried out, shall be submitted to the Local Planning Authority for approval prior to the commencement of any development works. The AMS shall include details of when and how the construction works will take place and be managed, and how the trees and hedges will be protected during the works.

Reason: To safeguard the existing trees and hedges in and adjacent to the site in the interests of visual amenity (and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy).

9. No development shall commence at the site until a Heritage Assessment has been submitted to and approved in writing by the local planning authority in consultation with the Local Planning Authority's Archaeology service. This shall take the form of a desk based assessment accompanied by the results of walk over and a geophysical surveys of the site. If the results of the heritage survey indicate that further survey work is required before the development commences then such works shall be undertaken in accordance with the recommendations of the heritage survey.

Reason: To allow appropriate opportunities for inspecting any archaeological remains present within the site prior to the commencement of the development.

#### **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:**

10. The dwellings hereby approved in outline shall consist of no more than two floors of living accommodation and shall be of a '1½ height' design in the area nearest to the public highway.

Reason: In order to be in keeping with the character of the existing nearby dwellings and to protect the amenities of neighbouring residents (and in accordance with Policy CS6 of the Shropshire Core Strategy).

11. No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'.

Reason: To minimise disturbance to bats, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).

- 12a. Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority.

- b. Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are

removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (11b).

- 13a. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the local planning authority to safeguard trees to be retained on / adjacent to the site as part of the development. The submitted scheme shall include the provision of a tree protection plan (TPP) based on an arboricultural implications assessment (AIA) as recommended in BS5837:2012. The integrity of the approved tree protection measures / scheme shall be maintained for the duration of the construction works.
- b. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees,

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

14. A scheme detailing measures to protect, enhance and maintain access to the public footpaths which traverse the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The required scheme shall in particular provide for the following:
- i. Measures to ensure that the rights of way remain open and are not impeded during the construction phase;
  - ii. Measures to improve access to and surfacing of existing footpaths within the site;
  - iii. Measures to ensure that there is a footpath link to the north-west corner of the site which affords appropriate access to the existing pedestrian footpath network along the Corvedale Road, prior to the first occupation of any residential properties hereby approved;

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the existing rights of way network within the site is maintained, safeguarded and where appropriate, enhanced in accordance with Core Strategy Policy CS16.

- i. 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.*
  - ii. 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.*
  - iii. Building materials, debris, etc must not be stored or deposited on the right of way.*
  - iv. There must be no reduction of the width of the right of way.*
  - v. The alignment of the right of way must not be altered.*
  - vi. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.*
  - vii. No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.*
15. An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

### **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012**

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

This page is intentionally left blank





Committee and date

South Planning Committee

27 May 2014

Item

**8**

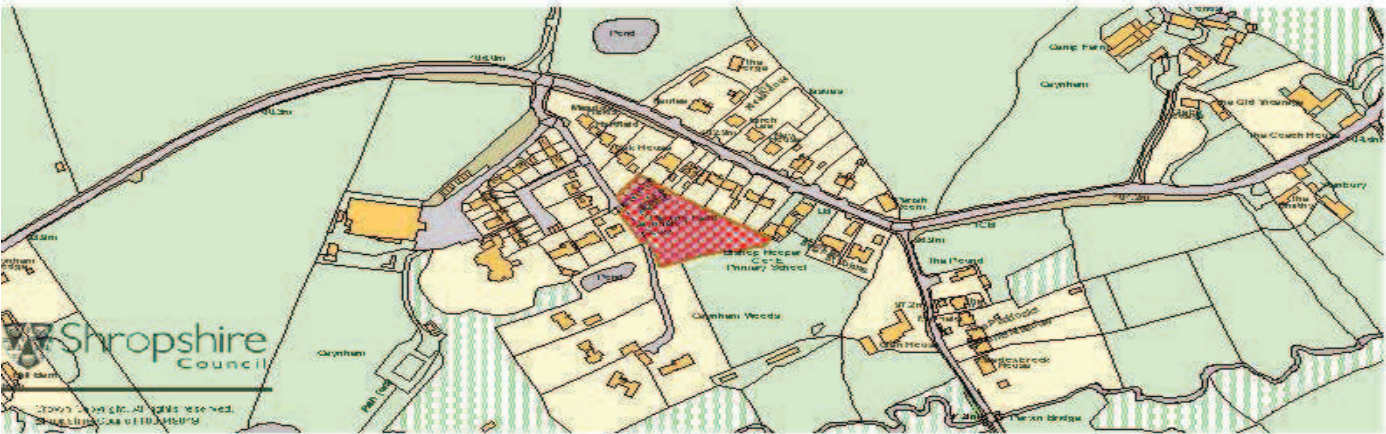
Public

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

**Summary of Application**

<b>Application Number:</b> 13/03834/OUT	<b>Parish:</b>	Caynham
<b>Proposal:</b> Outline application (all matters reserved) for the erection of four dwellings with garages		
<b>Site Address:</b> Former Primary School Site Caynham Shropshire		
<b>Applicant:</b> Messrs Trough & Mrs Bedford		
<b>Case Officer:</b> Julie Preston	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	
<b>Grid Ref:</b> 354959 - 273069		
© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.		



**Recommendation:- That Planning Permission is granted subject to a Section 106 Agreement to secure a contribution to affordable housing and the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This is an application for outline planning permission on a former school playing field in Caynham. All matters are reserved for future consideration but a layout has been submitted demonstrating how 4 dwellings could be accommodated on the site with access from a private drive serving Caynham Court and a number of residential properties. The application is accompanied by an affordable housing contribution form indicating that the applicant is willing to make a payment towards off site affordable housing in accordance with Council policies.
- 1.2 Initially the application was submitted for six dwellings on the site and this was amended to four dwellings during the course of considering the application. All parties were reconsulted.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is 0.246 ha in size and located between the private road to Caynham Court and the rear of houses fronting the main road through the village. The site was last used as a playing field for Caynham School which has recently relocated to Ashford Carbonell. The site is level grassland in an over grown condition with a small amount of play equipment in the eastern corner of the site. The former Caynham School adjoined the site to the east and had access to the playing field through the school grounds.
- 2.2 Caynham is located on the Class C road mid-way between Ashford Carbonell and Clee Hill. It has a village hall but no other services. A bus service operates between Ludlow and Cleobury Mortimer on Fridays only.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Caynham Parish Council object to the application and the local member has requested that the application is determined by the South Planning Committee. The Planning Services Manager has agreed to the request because a similar application, determined prior to the 5 year supply of housing land issue, was refused and the application remains locally controversial.

### 4.0 Community Representations

#### 4.1.0 Consultee Comments

##### 4.1.1 SC Drainage

No objection subject to conditions requiring drainage details, plans and calculations to be submitted for approval at the reserved matters stage.

##### 4.1.2 SC Ecologist

I have read the above application and the supporting documents including the Protected Species Survey Report conducted by John Morgan (8th August 2012).

#### Great Crested Newt

John Morgan has assessed the proposed development site for its potential to support a population of Great Crested Newts. John Morgan is of the opinion that it is unlikely that great crested newts are to be found within the school playing field and car park. He does not recommend further survey effort to determine the presence or absence of great crested newts.

#### Reptiles

There is probable evidence of slow-worms being present within the proposed development site. The surveyor recommends that the school playing field grass is kept short to remove the likelihood of slow-worms being present prior to any development commencing on the site.

#### Bats

The site has the potential to support foraging and commuting bats.

#### Nesting Wild Birds

There is potential for nesting wild birds to be present.

Recommendation: No objections subject to conditions and informatives

#### 4.1.3 **SC Rights Of Way**

Footpath 12A runs through the proposed development site. If any development is to take place the path must be accommodated within the plans or the path must be legally diverted. The developer should consult the Outdoor Recreation Team.

#### 4.1.4 **SC Highways DC**

The highway authority raises no objections to the granting of outline consent.

Key Issue - Access onto the highway: The proposed four dwellings would access onto a private road that serves a number of other properties and leads to the public highway at a junction within the 30mph speed limit through the village. This junction provides satisfactory visibility in both directions for vehicles emerging onto a highway within such a speed limit and is of adequate width to accommodate multiple vehicle movements. I therefore consider it to be satisfactory to serve both the existing properties and the dwellings proposed by the scheme.

#### 4.1.5 **SC Affordable Houses**

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

#### 4.1.6 **SC Archeology (Historic Environment)**

I have no comments to make on this application with respect to archaeological matters.

#### 4.1.7 **Sports England**

Sport England does not wish to comment on this particular application.

**4.1.8 Shropshire Wildlife Trust**

Subject to the recommendations from 'SC Ecology' being implemented, would not object to the development.

**4.1.9 Caynham Parish Council**Comments on proposal for six houses:

The Parish Council objects to the application in relation to Core Strategy CS1 - Caynham is classed as countryside and has no allocation for market housing and there are no economic diversification reasons for development to take place on this site.

The Parish Council wishes this site to remain as open Amenity/Recreational Field which the area lacks

Comments on amended proposal for four houses:

Having reviewed the National Planning Framework and the implication of the five year land supply to which this application will make little or no impact on, the Parish Council are of the opinion that this is only one factor to be taken into account and that the application still fails the material planning requirements in respect of sustainability and maintains its objection to the application on the following grounds:

The Parish Council agrees with the grounds of refusal by Shropshire Council when the original application 12/0224/OUT for six dwellings was refused:

- A) Caynham is not a settlement where additional housing for sale on the open market is considered to be appropriate or sustainable.
- B) The village does not have a range of key services, employment opportunities or good public transport links.
- C) The proposed development would be contrary to the settlement strategy and policies contained in the Shropshire Council adopted Core Strategy CS1, CS4 and CS5 (Countryside and Green Belt)
- D) The Parish Council has not opted to be part of a Community Cluster or Community hub.
- E) In addition the development of the site would result in the loss of a playing field which is the only area available for children's play in the village which is contrary to NPPF Part 8 and CS6 and CS8 of the Core Strategy

**4.2 Public Comments**

- 4.2.1 Twenty one letters of objection were received in response to the original consultation on the proposal for six houses and a further seven letters were received following the amendment to four houses. A number of objectors refer to and endorse a statement submitted on behalf of 37 local residents by Mr P Chester and his objections relating to application 13/03834/OUT are set out below:

1. Core Strategy Development Plan Document

The Core Strategy Development Plan Document (DPD) was adopted by the Shropshire Council on 24 February 2011. A number of policy section requirements would appear *not* to be met by the outline applications, as detailed below.

## a) CS1 Strategy

CS1 states that:-

“The rural areas will become more sustainable through a “rural rebalance” approach, accommodating around 35% of Shropshire’s residential development over the plan period. Development and investment will be located predominantly in community hubs and community clusters, and will contribute to social and economic vitality. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.”

The applications do not meet this requirement on the following criteria:-

- i. The sites are not in a settlement designated as a community hub or cluster under policy CS4 and therefore fall to be considered under policy CS5.
- ii. The proposed development does not meet the needs of local community for affordable housing.
- iii. Open market housing does not constitute “economic diversification”.
- iv. There is no demand for economic diversification within Caynham.
- v. Current policy (saved policy of South Shropshire Local Plan) does not allocate any open-market housing to Caynham.
- vi. Caynham is not proposed as a development cluster in policy MD1 of the current draft Shropshire Site Allocations and Management of Development Plan.
- vii. The site is not identified as a Community Hub, Community Cluster or potential site for open market housing in the Revised Preferred Options (draft July 2013) Shropshire Site Allocations and Management of Development Plan, Ludlow Area preferred options.
- viii. The proposed development does not form one allowed for in policy MD9 of the draft Shropshire Site Allocations and Management of Development Plan.

## b) CS4 Community Hubs and Community Clusters

CS4 states that:-

“Ensuring that market housing development makes sufficient contribution to improving local sustainability through a suitable mix of housing that caters for local needs and by delivering community benefits in the form of contributions to affordable housing for local people and contributions to identified requirements for facilities, services and infrastructure. The priorities for community benefit will be identified in partnership with the community”

The applications do not meet this requirement on the following criteria:-

- i. The site is not in a settlement identified under this policy.
- ii. The local community or Parish Council has not proposed that the settlement be considered for development as a community hub or community cluster.
- iii. The proposed playing field development will have negative impact on infrastructure private roads.



CS4 also states that:-

“Ensuring 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”

The applications do not meet this requirement on the following criteria:-

- i. The proposed playing field development of 4 houses is not in keeping with the scale that is consistent with neighbouring properties.
- c) CS5 Countryside and Greenbelt

CS5 states that:-

“New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt.

Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale new economic development diversifying the rural economy, including farm diversification schemes;
- dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;

With regard to the above two types of development, applicants will be required to demonstrate the need and benefit for the development proposed. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.”

The applications do not meet this requirement on the following criteria:-

- i. Under policy CS5 the sites are land which should be considered as open countryside.
- ii. The proposals fall into none of the categories set out in the policy as exceptional to it.
- iii. There is an adequate supply of housing land available for development in the Ludlow area and therefore there is no reason to fall back on the reserve provisions of the NPPF.

- d) CS6 Sustainable development

CS6 states that:-

“Requiring all development proposals to achieve applicable national standards, or for water use, evidence based local standards as reflected in the minimum criteria



set out in the sustainability checklist, to ensure that sustainable design and construction principles are incorporated within new development, and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The checklist will be developed as part of a Sustainable Design SPD.”

In view of the location of the proposed development, a full application should be submitted rather than an outline application.

- e) CS8 Facilities, Services and Infrastructure Provision
- f) Policy CS17 Environmental networks

CS17 states that:-

“Protects and enhances the diversity, high quality and local character of Shropshire’s natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

The playing field development removes the only sports & recreational area used by the village for several decades. Both application sites would continue to be used in their current functional and recreational uses if the development of open market housing did not proceed.

## 2. Saved Policy & South Shropshire Planning Guidelines

In addition to the Core Strategy DPD, a number of policy documents remain current and relevant to the applications. These are detailed below.

- a) South Shropshire Countryside Design Summary – Supplementary Planning Guidance

Section 6 (Hereford, Worcester Hills & Teme Valley region) of the Supplementary Planning Guidance note that the only settlements identified for development outside Ludlow & Craven Arms (for developments that are not classed as affordable) are Bromfield, Overton and Woofferton.

- b) Shropshire County Council – Residential developments in Shropshire Design Guide

The Design Guide provides a guide for the maximum number of dwellings that should be accessed by a private driveway:-

“A private drive may serve up to a maximum of five dwellings sited along its length. Private drives will not be adopted by the County Council. Whilst private drives are useful in many 'infill' situations their extensive use within new developments is not recommended.”

The proposed development will contravene this guideline because:-

- i. There are already 4 houses on Caynham Wood that are accessed via the development private drive. With the proposed 6 new buildings this would take number of house to 10, well over the guideline maximum of 5. In addition the private drive derives access over another private road which already provides access to a further 10 dwellings on the same access route. See also (j) below.
  - ii. There is increased maintenance liability to the existing occupiers of Caynham Court for the access required over the Caynham Court driveway, for which the no provision for maintenance has been made; associated problems may arise if damage is caused to the Caynham Court private road by third parties.
- c) Road Width. Shropshire County Council Specification for Residential Estate Roads - Section 2.3.6

The proposed development will contravene the guidelines for road widths.

The proposed development is accessed over a shared private drive that is part of the title. This drive is very narrow, being 3.2m wide, and serves the existing 4 houses on Caynham Wood. The driveway is bordered by a historic wall and is already a bottleneck for exiting residents of Caynham Woods and Caynham Court. The development would therefore need to substantially widen the private drive along the length of the development. This would need to be at least extended to a width of 4.1 metres, as recommended for Shared Surface Roads in the Shropshire County Council Specification for Residential Estate Roads - Section 2.3.6.

- d) Turning Head. Shropshire County Council Specification for Residential Estate Roads

Turning head per shared surface roads (Shropshire County Council Specification for Residential Estate Roads - Drawing TS/10/4)

Internal residential estate roads are often used by drivers who are unfamiliar with the estate, such as delivery vehicles and council refuse vehicles. Delivery drivers will need to turn around and in order to allow them the opportunity to carry out such a turn in safety, rather than in a private drive, junctions or turning heads should be provided at a maximum spacing of 200 metres. The proposed development does not allow enough space for turning facilities, particularly in view of the width road width restrictions noted in c) above.

### 3. NPPF Part 8

The NPPF Part 8: Promoting Healthy Communities states that open space, including playing fields, should not be built on unless:

- i. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ii. the loss resulting from the proposed development would be replaced by

equivalent or better provision in terms of quantity and quality in a suitable location; or

- iii. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policies CS6 and CS8 of the Core Strategy also protect the loss of existing amenities and facilities unless provision is made elsewhere or the facility isn't viable in the long term.

No assessment has been undertaken that establishes that the open space is surplus to requirements. Whilst the site is in private ownership, it has been used continuously as a local amenity in conjunction with the former school for both sporting, social and annual village community events.

#### 4. Access & Highway

Access over Caynham Court private roadway

The proposed development 13/03834/OUT will require access across the Caynham Court private road from the development site private drive. This is currently subject to legal clarification. Whilst the lack of a legal right of access is not material to the planning application, the concern is the possibility that, if the application is successful and access is not available, an alternative access will be necessary via the existing main road through Caynham or alternative land not detailed on the applications. This is material to the current application.

4.2.3 In addition, the following points have also been made by other objectors:

- The village have used the field for events and it was an important community area where children could play.
- The application should be refused for the same reasons that the earlier application 12/02244/OUT was refused.
- My pond is filled by a waterway/drain. If this is interfered with the pond will dry up resulting in an environmental disaster.
- I would like to raise concerns over the handling of the planning process arising from the above outline planning applications. Following the meeting of the Caynham Parish Council on the 3rd December, it has emerged that the planning office is 'minded' to grant approval of the application on the basis that they are worried about the cost of any possible appeal.
- The revised application does not differ in any other respect from the original application. The framework for assessing the application has not changed in the interim. The correct stance for the Planners to adopt is that the application must be determined in accordance with the Development Plan.
- The position of the planners, if accurately reported, is a very sad reflection of the state of planning in Shropshire as it would seem that the overarching Policy is the least line of resistance in seemingly accepting the "housing land" argument as trumping all others when the NPPF (National Planning Policy Framework), by which the Planning Officers must now be guided, has plenty else to say about other aspects of sustainable development.

- The adopted Core Strategy allocates open-market housing (in Policy CS4) to housing hubs or clusters to be allocated in the Samdev Plan or in accordance with Policy CS5, which doesn't apply to Caynham. Samdev has yet to be adopted but it has reached an advanced stage of preparation in which case it should be afforded considerable weight (paragraph 216 NPPF).
- The crucial Policy being focused upon is Policy CS4 and the extent to which the Council's Sustainability Strategy (Section 4 of the Core Strategy) is compatible with the NPPF. If it is, then the NPPF can be shown to support the Development Plan rather than undermine it. The simple fact is that the vast majority of Shropshire's Planning Policy is in accordance with the NPPF.
- Clearly what is not, and the Council is seemingly focussing on this, is the statement at paragraph 49 of the NPPF, which says that Policies on the supply of housing land cannot be considered up to date if the 5-year supply is not demonstrated.
- But to allow this to trump all other material considerations is a pretty weak position to take. It surely cannot be the case that only a small percentage shortfall in the housing land supply for the County as a whole means that all other Planning Policy, for the time being, is suspended and that all applications for new dwellings must be approved on this basis.
- The applicants have offered to provide the ex-school car park on a 25 year lease following the submission of the revised application. This is not a material change in circumstances. The offer of the car park (using a s106 instrument, the applicants would lease the car park to the Parish Council in return for the Council dropping its objection to the proposal) is really a bit of a distraction.

## 5.0 THE MAIN ISSUES

- Land use and planning History
- Principle of development
- Environmental Benefits and Impacts
- Economic Benefits and Impacts
- Social Benefits and Impacts

## 6.0 OFFICER APPRAISAL

### 6.1 Land use and planning history

- 6.1.1 The proposed development site is currently overgrown and was previously leased to the Education Authority to provide a playing field and play area for the village school. The school merged with the primary school in Ashford Carbonell and moved to a new site outside Caynham in 2011. An outline planning application (12/02244/OUT) for six dwellings on the site was refused permission on 1 November 2012 for the following reason:

1. *Caynham is not a settlement where additional housing for sale on the open market is considered to be appropriate or sustainable. The village does not have a range of key services, employment opportunities or good public transport links. The proposed development does not accord with the development plan for the area and would be contrary to the settlement strategy and policies for the control of development in rural areas set out in 'saved' policies SDS3 and S1 of the South Shropshire Local Plan and policies CS4 and CS5 of the Council's adopted Core Strategy. The Parish Council has not opted to be part of a Community Cluster or Community Hub and as a result, the village is not a location for new open market housing identified in the emerging Site Allocations and Management of Development Plan Document (SAMDev DPD). In addition, development of the site would result in the loss of a playing field which is the only area available for children's play in the village. No assessment has been submitted to demonstrate that the facility is no longer required. The proposal would not, therefore, be in accordance with policies CS6 and CS8 of the adopted Core Strategy.*

6.1.2 The present use and planning history are material considerations in determining the present application but they have to be considered against the current policy background, in particular, the changes brought about by the National Planning Framework in respect of the supply of housing land. The policy background and housing supply issues are considered in the following section.

6.2 Principle of development

6.2.1 Caynham is in the Ludlow area of the emerging SAMDev and is not identified as a Community Hub or Cluster. The site is outside a settlement where development is envisaged in the 'saved' policies in the South Shropshire Local Plan or Council's adopted Core Strategy. Caynham therefore falls under the policy requirements of Core Strategy Policy CS5: Countryside and Green Belt which restricts new build housing to agricultural, forestry or other essential countryside workers dwellings and affordable housing/accommodation to meet local need. However, housing land supply in Shropshire has recently fallen below the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing policies on housing supply are now considered to be out of date and this has major implications for determining this application.

6.2.2 At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF states (para. 14) that 'where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted'.

Whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward with developments which might not otherwise succeed when the SAMDev is adopted.



6.2.3 The key policy test to apply therefore at this stage is not whether the proposal complies with existing and emerging policy but whether or not the adverse impacts of the proposal outweigh the benefits. These issues are considered below in the context of the three dimensions of sustainable development set out in the NPPF.

### 6.3 Environmental Benefits and Impacts

6.3.1 The erection of four houses on the site would be in keeping with the density of adjoining housing development. The illustrative layout demonstrates that distances between existing and proposed houses would be generous and no serious loss of residential amenity is likely to result. The site lies within the built form of the village and development of the site would not materially detract from the general character and appearance of the village.

6.3.2 Access to the highway network would be via a private road serving a number of existing dwellings and a poultry business. The road is satisfactory in design and condition. Local residents are concerned about the additional use of the road both in terms of highway safety and future maintenance. The Highways Officer has looked at the situation and confirmed that the additional use of the road and junction to the public highway will not give rise to highway safety issues. Issues of ownership, rights and future maintenance are private matters beyond the remit of this application.

6.3.3 A public right of way crosses through the site providing an important link from the village to the river. The illustrative layout plan of the site does not make provision for the path but there is no reason why the route could not be retained through the development without unacceptably affecting the amenity of the footpath.

6.3.5 The site is overgrown and edged by trees. The application is accompanied by an ecology report considering the impact of the development on protected species. The County Ecologist is satisfied that the proposal will not be harmful to bats, nesting birds, Great Crested Newts and reptiles.

6.3.6 No serious drainage issues have been identified and details could be required by a planning condition, if permission is granted.

6.3.7 It is concluded that the proposals are capable of complying with Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy and there are no overriding environmental impacts.

### 6.4 Economic Benefits and Impacts

6.4.1 All housing schemes have benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money in the wider area on local goods and services, thereby supporting the vitality of the local community. In accordance with Policies CS9 and CS11 of the Core Strategy, the proposals would generate a contribution of up to £72,000 towards affordable housing and CIL funding at a rate of £80 per m<sup>2</sup>. The New Homes Bonus paid to local authorities and ongoing community charge revenue would also provide economic benefits.

6.4.2 There would not be any obvious adverse economic impacts and overall the economic effects of the proposals would be positive.



## 6.5 Social Benefits and Impacts

- 6.5.1 In the context of the NPPF the provision of market housing should be given substantial weight as it is the Government's policy to significantly boost the supply of housing to meet the identified needs of the population.
- 6.5.2 The proposed development site is currently overgrown and was previously leased to the Education Authority to provide a playing field and play area for the village school. The school merged with the primary school in Ashford Carbonell and moved to a new site outside Caynham. The field is the only area of open space suitable for children's play in the village. It is accessed off the public footpath leading from the main road to the river. The location is safe and surrounded by housing.
- 6.5.3 The NPPF Part 8: Promoting Healthy Communities states that open space, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policies CS6 and CS8 of the Core Strategy also protect the loss of existing amenities and facilities unless provision is made elsewhere or the facility isn't viable in the long term.

- 6.5.4 Caynham has a population of around 154 and an average population of under-16 year olds. There is no other play area or playing field for children. The application does not include an assessment demonstrating that the open space is surplus to requirements and the proposal does not include any replacement facilities. The site is well located, safe and would be difficult to replace. The loss of the playing field would be contrary to national and local planning policies and weighs against the proposal.
- 6.5.5 There is a problem in that the site is in private ownership and at the present time there are no public funds available to purchase the land for continued recreational use and the ongoing maintenance costs. Sports England has been consulted on the application but has not objected to the proposal.
- 6.5.6 In the context of earlier planning policies on sustainable locations for development, set out at a local level in the South Shropshire Local Plan, Caynham was not considered a suitable settlement for new housing because it has only a village hall and no shops or other services. Since the plan was adopted, the local school has also moved to Ashford Carbonell. Bus services are very limited and the occupants of new housing will have to rely on private vehicles to access services in Ludlow (3 Km away) or Clee Hill (4 Km away). In this respect the proposal is not in accordance with Policy CS 4 which aims to make communities more sustainable by focusing development in identified community hubs and clusters.

6.5.6 In the context of social considerations it should be recorded that the applicant offered the Parish Council a lease on land adjacent to the former school to provide car parking for the village hall and possibly space for a play area to the rear of the school. The offer was subject to the Parish Council making a favourable response to the proposal for 4 houses but the Parish Council declined the offer feeling that it shouldn't be directly related to the present application. This land is subject to a separate planning application for 2 dwellings (13/03835/OUT).

## 7.0 CONCLUSION

- 7.1.1 The site is located in a village where no further residential development is advocated in the current development plan. Local residents have opted not to become part of a cluster or a hub in drawing up proposals for the Site Allocations and Management of Development plan. The proposal would therefore involve development contrary to the development plan for the area. However the Council does not have the minimum 5 year land supply required by the National Planning Policy Framework (NPPF). Consequently under paragraph 49 of the NPPF the policies relating to the supply of housing cannot be considered up-to-date. There is a presumption in favour of sustainable development in situations where housing policies are out of date. Planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 7.1.2 The site can be developed without an adverse impact on highway safety or drainage and a layout could be designed to prevent any detrimental impact on neighbouring properties. The use of the land would not result in the impact on any protected species and wildlife. The development would be located in the vicinity of existing residential properties and would not be prominent or out of character with the area.
- 7.1.3 The site will increase market housing in a rural settlement and provide financial benefits to the local community and affordable housing in the wider area.
- 7.1.4 Unfavourable aspects of the proposal are the location in a settlement with few services and the permanent loss of playing fields. No assessment has been provided to demonstrate that the facilities are no longer required by the community but neither does there appear to have been attempts to secure the future of the play area. The fact that it is in private ownership with no resources available to purchase and maintain the site reduces the overall weight that can be given to this factor.
- 7.1.5 Recent housing appeals would suggest that a refusal on the grounds that the proposal is contrary to Development Plan housing policy would be most unlikely to be sustained. The loss of the open space is very regrettable and deprives the village of a community facility. It is, however, in private ownership and is unusable in its present overgrown condition. The 'Community Right to Bid' may provide an opportunity to secure the site for the village outside of the planning process.
- 7.1.8 It is concluded that residential development on this site would be sustainable in accord with the economic, social and economic roles of sustainable development set out in the National Planning Policy Framework and the balance weighs in favour of granting planning permission.

## 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 three months 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 1970.

## 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.

10.0 **Background Information**

10.1 Relevant Policies

Central Government Guidance:

National Planning Policy Framework

Part 1: Building a strong, competitive economy

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10. Meeting the challenge of climate change, flooding and coastal change

Part 11. Conserving and enhancing the natural environment

South Shropshire Local Plan:

SDS3: Settlement Strategy

Core Strategy Development Plan Document

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

10.2 Relevant Planning History

12/02244/OUT Outline application (all matters reserved) for the erection of 6no dwellings and associated garages REFUSED 1st November 2012

11.0 **Additional Information**

**List of Background Papers**

Planning application file 13/03834/OUT

**Members**

**Cabinet Member (Portfolio Holder)**

**Cllr M. Price**

**Local Member**

**Cllr Richard Huffer**

**Appendices**

Appendix 1 – Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the access, appearance, landscaping, layout and scale (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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of 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 begin 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. Work shall be carried out strictly in accordance with the recommendations of the Protected Species Survey conducted by John Morgan (August 2012).

Reason: To ensure the protection of Reptiles.

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

5. No development shall take place until a scheme of foul drainage and surface water drainage, including plans and calculations, has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure that the proposed foul water drainage system will not result in pollution and for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise flood risk elsewhere as a result of the development.

## **Informatives**

### 1. Surface Water

In the planning application, it states that the surface water drainage from the proposed development is to be disposed of directly to a watercourse. The applicant should assess the suitability of the ground for soakaways before investigating direct connection to the watercourse.

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 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit a drainage system for approval to ensure that no surface water runoff from the new driveway runs onto the highway.

The applicant should consider employing measures such as the following:

- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new driveway, parking area/ paved area
- ' Greywater recycling system

### Foul Drainage

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

If main foul sewer is not available for connection, full details and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

If you have any queries about these requirements, please contact the Flood and Water Management Team at [floodriskconsultation@shropshire.gov.uk](mailto:floodriskconsultation@shropshire.gov.uk)



## 2. Protected Species

### Great Crested Newts

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

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 closefitting 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.

On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

### Nesting Birds

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

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

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

3. The Public Right of way Caynham 12A passes through the site and the route and amenity of the footpath should be taken into account in the layout submitted in the application for Reserved Matters.
4. Statement of Positive and Proactive Working

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

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

Central Government Guidance:

National Planning Policy Framework

Part 1: Building a strong, competitive economy

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10. Meeting the challenge of climate change, flooding and coastal change

Part 11. Conserving and enhancing the natural environment

South Shropshire Local Plan:

SDS3: Settlement Strategy

Core Strategy Development Plan Document

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing



Committee and date  
 South Planning Committee  
 27 May 2014

Item  
9  
 Public

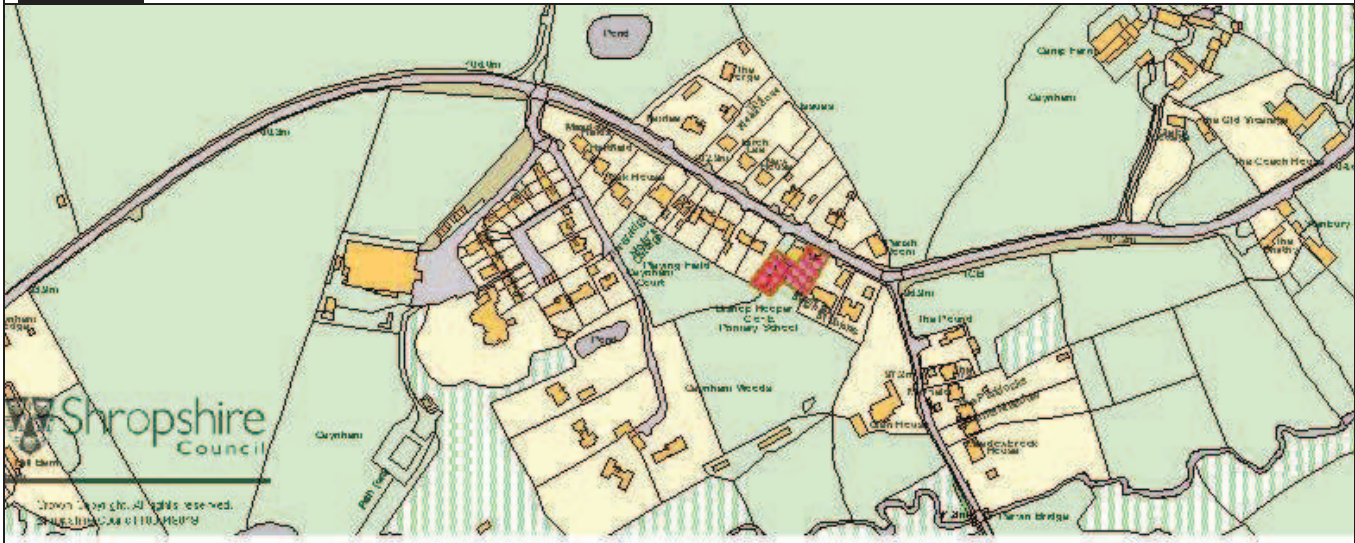
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 13/03835/OUT	<b><u>Parish:</u></b> Caynham
<b><u>Proposal:</u></b> Outline application (all matters reserved) for the erection of 2 dwellings with garages	
<b><u>Site Address:</u></b> Former Primary School Site Caynham Shropshire	
<b><u>Applicant:</u></b> Messrs Trough & Mrs Bedford	
<b><u>Case Officer:</u></b> Julie Preston	<b><u>email:</u></b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>

**Grid Ref:** 354959 - 273069



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

**Recommendation:- Refuse for the reason set out below.**

## Recommended Reason for refusal

1. The erection of two dwellings on the site would significantly detract from the setting of the adjoining former village school, which is listed for its architectural and historic interest, and result in the loss of a car park which was used informally for functions at the village hall, opposite. The dwelling on plot 1 is situated behind the recently converted school and would impinge on the amenity and privacy of the occupiers. The proposal would not, therefore, be in accordance with policy CS6 of the adopted Core Strategy. In this instance, the adverse impact would significantly and demonstrably outweigh the benefits of the proposal in adding to the supply of housing and is therefore not considered sustainable in the terms of the requirements of the National Planning Policy Framework.

## Statement of Positive and Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for the refusal, approval has not been possible.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This is an application for outline planning permission for two dwellings with garages on the site of the former car park and demountable classrooms at the village school in Caynham. All matters are reserved for future consideration but a layout has been submitted demonstrating how two detached dwellings could be accommodated; one behind the school and one on the car park. A shared access is proposed via an existing access to the main road through the village.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is just under 0.1 ha in size and is centrally situated in the village of Caynham. It was previously used in connection with the village school prior to it relocating to Ashford Carbonell in 2011. The former car park is located to the east of the school and has a frontage to the road. Open land borders the site to the south and a large detached house to the east. The site of the two demountable classrooms is located to the rear of the school and adjoins the car park, the open space and residential development to the west.
- 2.2 Caynham School is grade II listed and dates from 1834. It is a single storey 3 bay hall constructed of coursed stone rubble under a slate roof with decorated bargeboards and 2 king post trusses with hammerbeam bracing. There is a twentieth century extension to the side of the original school building. It has recently been converted to a dwelling. The residential curtilage is small and the southern

boundary runs tight against the rear wall of the school.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application is put before the Committee for a decision with the agreement of the Planning Services Manager because the application adjoins the site for four houses (13/03834/OUT elsewhere on the agenda) and relates to land formerly leased to the Village School, Caynham.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Drainage

No objection subject to conditions.

4.1.2 SC Ecologist

I have read the above application and the supporting documents including the Protected Species Survey conducted by John Morgan (August 2013). No objection subject to conditions and informatives.

4.1.3 SC Affordable Housing

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing changed on the 1st September 2013. All applications received after this date will be subject to revised target rates.

4.1.4 SC Highways

The proposed two dwellings would share a central means of access onto the highway and I consider this to be the best option at this location as it would maximise the visibility in both directions along the adjacent carriageway for an emerging driver. I would recommend that any full application included parking and vehicle turning facilities within the curtilage of the site to avoid the need for the occupants to reverse out onto the carriageway or park on it.

The highway authority raises no objections to the granting of outline consent subject to the following condition.

Details of the means of access, including the layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.



## 4.1.5 SC Archeology (Historic Environment)

I have no comments to make on this application with respect to archaeological matters.

## 4.1.6 SC Conservation (Historic Environment)

Caynham School is grade II listed and is dated 1834. The school sits centrally within the village of Caynham and recently has had works undertaken to convert it to a dwelling.

The application for 2 dwellings to the south and rear of the school – the impact is much higher and I would suggest that this land should accommodate only one house to the south as the one to the rear would obscure the view and setting of the listed school. Any proposal adjacent the school should be of high quality design and materials and should be sympathetic to its setting, character and appearance – and pick up on details and materials seen locally. A dwelling to the south of the school may work better if its building line corresponded to the dwellings to the south’.

To reiterate the proposal for this application would result in a detrimental impact on the listed former school house.

## 4.17 Caynham Parish Council

The Parish Council objects to the application in relation to Core Strategy CS1 - Caynham is classed as countryside and has no allocation for market housing and there is no economic diversification reasons for development to take place on this site. Any development for market Housing should take place on already allocated sites in Clee Hill which is within the Parish area

## 4.2 Public Comments

4.2.1 Thirteen letters of objection have been received making the following points:  
Planning policies: The proposal is contrary to policies CS1, CS4, CS5, CS6 and CS17 of the Core Strategy and saved policies in the South Shropshire Local Plan.

Settlement Policy: The site is not allocated for residential development in the South Shropshire Local Plan or the proposed Site Allocations and Management of Development Plan. The local community has not put the village forward as a Community Hub or Cluster under policy CS4 and therefore should be considered under policy CS5 relating to open countryside. The proposal does not meet any of the exceptions set out in the policy. The proposal does not constitute economic diversification or meet the needs of the local community for affordable housing. In addition, there is already an adequate supply of housing land available for development in the Ludlow area.

Impact on Listed Buildings: The site is bordered by the listed school and two listed cottages opposite. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to have ‘special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ in making their decision. It is not possible to do this on the



basis of an outline application as this contains insufficient detail of the appearance of the development.

Loss of car park: The site could continue to be used as a car park if the development of housing did not proceed. There will be nowhere for vehicles to park when there are functions at the village hall or for rambles.

Loss of residential amenity: Plot 2 is very close to the boundary with Mont de Seigneur and may have an adverse impact on loss of light, privacy and overbearing. There is insufficient detail in an outline plan to comment in detail. The size of the houses are totally out of character in this rural village.

Access to land at the rear of the car park: Over the last 10 years an arboretum with a large pond and wildflower meadows have been established to the rear of the car park. Maintenance depends on access with machinery through the gateway to the rear of the car park. Severn Trent also has a sewage pumping station on the land and require access for monitoring and maintenance. Occasionally this involves vehicular access and heavy lifting equipment. If the application is successful there is no alternative access for equipment.

Impact on the public right of way: There has always been a footpath across plot 2 down through woods to the river. This is not safeguarded on the plan.

Vehicular access: The shared entrance will be very busy near a corner and the cottages opposite will have difficulty in getting out onto the highway. We are also concerned about road side parking that these houses may generate

Previous Refusal: We object to this application for the reasons set out for the refusal of the previous application and in line with the letter of objection submitted on behalf of the village community

## **5.0 THE MAIN ISSUES**

- Land use and planning history
- Principle of development
- Impact on the setting of the Listed school
- Other Material Considerations

## **6.0 OFFICER APPRAISAL**

### **6.2 Principle of development**

6.1.1 Caynham is in the Ludlow area of the emerging SAMDev and is not identified as a Community Hub or Cluster. The site is outside a settlement where development is envisaged in the 'saved' policies in the South Shropshire Local Plan or Council's adopted Core Strategy. Caynham therefore falls under the policy requirements of Core Strategy Policy CS5: Countryside and Green Belt which restricts new build housing to agricultural, forestry or other essential countryside workers dwellings and affordable housing/accommodation to meet local need. However, housing land supply in Shropshire has recently fallen below the 5 year level required by the

National Planning Policy Framework (para. 47). As a consequence, existing policies on housing supply are now considered to be out of date and this has major implications for determining this application.

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF states (para. 14) that 'where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted'.

Whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward with developments which might not otherwise succeed when the SAMDev is adopted.

The argument that Caynham is a settlement where there is a presumption against further housing development no longer holds weight in the face of policies in the NPPF. The issues are now whether or not the adverse impacts of the proposal outweigh the benefits of the providing new homes and supporting the construction industry in general. These issues are considered below.

### 6.3 Impact on the setting of the Listed school

6.3.1 The village school, known as Bishop Hooper's school, was built for the purpose and maintained its function as a school from 1834 until 2011 when the school was merged and moved to Ashford Carbonell. The school is a grade II Listed Building and has a traditional hall arrangement which was later extended as space requirements changed. Historically the school had a tight curtilage to accommodate the school and playground. Temporary classrooms and a car park were developed on adjoining land that was privately owned and leased to the local Education Authority. The school has recently been converted to a dwelling following planning approval in 2013.

The proposal to construct two dwellings on the site of the temporary classrooms and car park crowds the building, obscures the view of it and is detrimental to its setting. Plot 1, as proposed, extends right up to the rear elevation of the school. This could give rise to overlooking issues to and from windows in the rear elevation of the building and the proposed house. Similarly, plot 2 encroaches close to the building and would have a potentially over bearing effect.

The former school is a heritage asset of special architectural interest and is part of the social and cultural history of the village. The proposal conflicts with the need to maintain a suitable setting for the building and the proposal does not demonstrate that the amenity of the house is maintained and the significance of the building will not be harmed. As a result, the proposal is contrary to the policy direction set out in Part 12 of the NPPF and policy CS17 of the Core Strategy.

## 6.4 Other Material Considerations

### 6.4.1 Consultees and objectors have flagged up a number of issues that require consideration.

A public right of way crosses plot 2 linking the road to the river. The indicative plan takes no account of the footpath and it would have to be diverted before development could go ahead. It also appears that the gateway in the south western boundary of plot 2 is used by the neighbouring property and Severn Trent to access the land and sewage pumping equipment. The existence of private rights is not essentially an issue in determining the application but appropriate access may have to be provided through plot 2, as well as a vehicular access to plot 1.

The neighbour to the east of plot 2 has raised concerns about the potential loss of residential amenity. There is a substantial evergreen hedge along the boundary of the plot. It is likely that a house would have to be set forward of the neighbouring house but the space is not constricted. Although care would be needed to site a dwelling in a manner that would not impinge on the neighbour, there is sufficient space available to site a house without adversely affecting residential amenity to the extent that planning permission could be refused. This would be an issue for the Reserved Matters stage.

The car park has served a useful purpose providing unrestricted off road parking for the school and the village hall. The car park has been closed and the objections have been made to the loss of this facility. Core Strategy Policy CS8 aims to protect facilities and services that contribute to the quality of life in villages. Planning policies encourage sustainable forms of transport and the protection of a car park is probably not envisaged by policy CS8. However, the car park could be important to the viability and future of the village hall and this is a material consideration in making a decision on the proposal. Ultimately the car park would have to be brought into public ownership to be opened up again.

## 7.0 CONCLUSION

The site is located in a village where no further residential development is advocated in the current development plan. Local residents have opted not to become part of a cluster or a hub in drawing up proposals for the Site Allocations and Management of Development plan. The proposal would therefore involve development contrary to the development plan for the area. However the Council does not have the minimum 5 year land supply required by the National Planning Policy Framework (NPPF). Consequently under paragraph 49 of the NPPF the policies relating to the supply of housing cannot be considered up-to-date. There is a presumption in favour of sustainable development in situations where housing policies are out of date. Planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The development would be located in the vicinity of existing residential properties and would not be prominent or out of character with the area. The use of the land would not result in the impact on any protected species and wildlife. The site can be developed without an adverse impact on highway safety or drainage.

The site will increase market housing in a rural settlement and provide financial benefits to the local community and affordable housing in the wider area.

However, the construction of two dwellings would inevitably lead to a cramped form of development in very close proximity to a Listed Building. The former school is a heritage asset and the recent conversion to a dwelling is welcomed. It has no rear curtilage and the dwelling proposed on plot 1 will greatly detract from the setting and impinge on the privacy and amenity of the occupants. The NPPF (para. 132) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this instance the impact on the setting of the Listed school is sufficient to outweigh the benefits of the proposal. Planning permission is accordingly recommended for refusal.

## **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 three months 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 1970.

### 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

Part 1: Building a strong, competitive economy

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10. Meeting the challenge of climate change, flooding and coastal change

Part 11. Conserving and enhancing the natural environment

South Shropshire Local Plan:

SDS3: Settlement Strategy

Core Strategy Development Plan Document

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/02245/OUT Outline application (all matters reserved) for the erection of 2no dwellings and associated garages REFUSED 1st November 2012

13/00647/FUL Conversion of redundant school building to one residential dwelling with parking and new vehicular access GRANT 30th April 2013

13/00648/LBC Conversion of redundant school building to one residential dwelling with parking and new vehicular access GRANT 30th April 2013

## 11. Additional Information

<b>List of Background Papers</b> Planning application file 13/03835/OUT
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Richard Huffer

-





Committee and date

South Planning Committee

27 May 2014

Item

**10**

Public

## Development Management Report

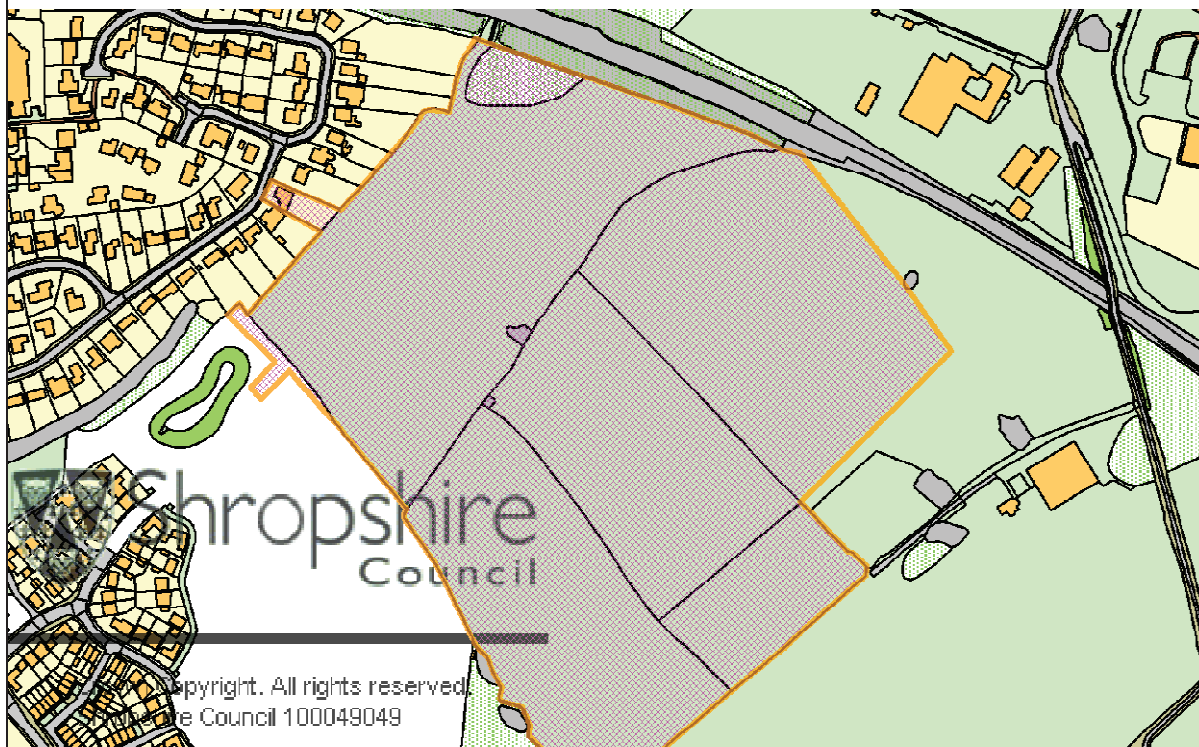
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/00062/OUT	<b>Parish:</b>	Shifnal
<b>Proposal:</b> Outline application with vehicular access (from Stone Drive and Lloyd Grove) to be determined for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park)		
<b>Site Address:</b> Development Land North East Of Stone Drive Shifnal Shropshire		
<b>Applicant:</b> Taylor Wimpey UK Ltd / Gallagher Estates		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375425 - 307324



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission as a departure and subject to no objections from The Highways Agency and satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and off site drainage works; and maintenance of Town Park/open space by an appropriate body and to the conditions set out in Appendix 1.**

## REPORT

This application was deferred at the 29<sup>th</sup> April 2014 of the South Planning Committee in order that a schematic plan and details be provided detailing how the drainage from the development would work and be managed to a satisfactory standard. This information will be presented at the Committee meeting. The previous report on the application is updated and set out below.

### 1.0 THE PROPOSAL

- 1.1 This proposal relates to some 13.97 hectares of agricultural land split into four fields and immediately to the south east of the current built up area to the town. The site also includes an area of some 0.7 hectares on its eastern side used for caravan storage.
- 1.2 The proposal is an outline application for residential development of up to 250 dwellings with public open space which would include a town park, associated earthworks, balancing ponds, car parking and other ancillary works. The proposals include the demolition of 18 Silvermere Park to provide a pedestrian/cycle link from the western edge of the proposed development between the town centre and the site, including the Town Park proposal. All matters are reserved for later approval, with the exception of the proposed vehicular access points into the development which would be from Stone Drive and Lloyd Grove which are roads within the Thomas Beddoes Court housing development.
- 1.3 An indicative master plan has been submitted, showing how the site could be developed. This shows a loop road that would link onto Stone Drive and Lloyd Grove, with the majority of the area within the loop forming the Town Park. The existing field boundaries and ponds (one central to the site and another close to the northern site boundary, would be largely retained and would enclose areas of residential development. A hierarchy of streets would be created to serve the development blocks off the main loop road. A spur road off the loop road is shown extending into the eastern portion of the site. The alignment of the internal roads would accommodate a water pumping main easement through the site. At the northern end of the site, close to the railway and adjacent to the existing pond an area of informal open space is shown with new woodland planting shown on the landscape strategy plan. This informal area would extend along the western site boundary with buffer planting on the site boundary and the area would include two proposed surface water attenuation ponds, giving a substantial separation distance (of the order of some 45m) between existing and proposed dwellings. The footpath link from Silvermere Park is shown with a direct link through to the proposed Town Park area.

- 1.4 It is the applicants' intention that the existing and new surface water attenuation ponds and linked swales would be integrated into the open space network to maintain green field run off rates alongside supporting and enhancing ecological habitats and on site biodiversity. The proposed network would restrict peak flows to existing features to the south such as the Silvermere watercourse which outflows to the Wesley Brook to the west. The arrangements would accommodate storms up to the 1 in 100 year (+30% allowance for climate change) return event period and would equate to an approximate 70% betterment over the existing site conditions.
- 1.5 The indicative mix of houses for the site set out in the Design and Access Statement comprise of 15% one and two bed; 50% three bed; 32% four bed and 3% five bed. With regard to scale, and in particular building heights, a zone along the western edge of the area adjacent to Silvermere Park, and adjacent to Revells Rough to the south is identified for dwellings up to two storeys (up to 9m to ridge). The Design and Access Statement advises that the remainder of the site could accommodate dwellings up to 2.5 storeys (up to 10m to ridge), but it is anticipated however that 2.5 storey dwellings would be more limited in their use across the site. Variations in house types across the site would introduce subtle variation in the ridge line and perceived building heights, which is a strong component of the local Shifnal vernacular. The urban form would incorporate focal point buildings, residential squares. Parking would be a combination of on plot spaces, on street parking and parking courts and the layout would seek to minimise the visual impact of this provision.
- 1.6 It must be stressed however that, in the event of outline planning permission being granted, the final layout of the site, along with scale, appearance, landscaping and access within the site would be determined through the consideration of reserved matters application(s).
- 1.7 The application is accompanied by a Planning Statement; Design and Access Statement; Archaeological Report; Ecological Appraisal; Bat Survey and Mitigation Strategy; Great Crested Newt Mitigation Strategy; Environmental Risk Assessment; Flood Risk Assessment; Landscape and Visual Appraisal; Noise Assessment; Services Report; Statement of Community Involvement; Sustainability Statement; Transport Assessment; Travel Plan; Tree Survey and a Waste Audit Statement.
- 1.8 A screening opinion was issued on 20<sup>TH</sup> February 2014 to the effect that the proposed development would not require an Environmental Impact Assessment (ref:13/04548/SCR).

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is situated outside of the Shifnal development boundary shown in the Bridgnorth District Local Plan and is on safeguarded land which is excluded from the Green Belt. (Saved Local Plan policy S4 protects safeguarded land to meet the future development needs of Shifnal). The site is predominantly agricultural land but also includes an area on its eastern side used for caravan storage. It is bordered by the Wolverhampton to Shrewsbury railway line to the north; the existing Silvermere Park housing to the north west; the Thomas Beddoes Court housing development to the south/southwest which is nearing completion, an

existing landscape tree belt feature, known as Revells Rough, to the south, and agricultural land to the east. A section of The Thomas Beddoes Court housing development bordering the application site has outline consent for the erection of a medical centre, but no reserved matters have been submitted for the medical centre. The topography varies but generally has a gentle fall in a westerly direction.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council has submitted a view contrary to the Officer recommendation. It is the view of the Planning Services Manager in consultation with the Chairman that this application should be determined by the South Planning Committee.

### **4.0 Community Representations**

- Consultee Comments

4.1 Shifnal Town Council – Object:

4.2 SC Highways Development Control – No Objection:

Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location.

It is considered that the proposed development is located within reasonable close proximity to Shifnal Town Centre, and local amenities including the local Secondary and Primary School. Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

It is acknowledged that there are concerns about the impact of development on the traffic situation within the centre of Shifnal and this proposal must be assessed in the context of the above national guidance and Development Plan policies.

#### **Transport Assessment**

The submitted Transport Assessment addresses key considerations with regard to the proposed development, and associated Trip generation, traffic flows and the assessment of junctions.

The Transport Assessment submitted with the application has assessed the traffic flows from the proposed development and the impacts upon key junctions and their operation in the town at 2013 and future years 2015 and 2026 with and without the proposed development. It has also considered other transport modes and facilities in the locality. Account has been taken of committed developments. The Assessment concludes that the Aston Street/Bradford Street priority junction is predicted to experience capacity constraints and additional queuing, as would the

Victoria Road/Bradford Street/Market Place priority junction, and that capacity constraints are already experienced at these junctions: This finding is consistent with Transport Assessments submitted with other development proposals in Shifnal. The Priorslee Road roundabout would be operating over theoretical capacity with the proposed development in 2026 and consideration would need to be given to mitigation at these junctions. The M54 junction 4 would experience additional queuing in the PM peak only, but this would be marginal and likely to be reduced through appropriate travel planning measures which would be implemented by the developer.

### **Access**

The submitted Transport Assessment states that there is sufficient capacity within the Wolverhampton Road/ Thomas Beddoes Court priority junction and roundabout junctions with the proposed development to accommodate traffic movements from the development.

Development Access Plan submitted as part of the application indicates that the carriageway width at the entry points to the proposed development are 6.1 metres in width, in accordance with Shropshire Council's Design guide for a residential distributor road, that recommends a minimum carriageway width of 6.1 metres is provided where 300 or more dwellings are being served.

### **Proposed Layout**

Details of the proposed layout of the development will need to be submitted and approved as part of a Reserved Matters application. However, consideration will be required to ensure the pedestrian links as outlined on the Application Masterplan are included within any proposed layout. The provision of a new pedestrian link into Silvermere Park will provide a more direct connection to the railway station and town centre and would be beneficial to promoting more walking and cycling from the proposed development.

### **Bus Network**

As part of the planning permission for phase 1 of the development, a contribution has been provided as part of the section 106 agreement towards funding a bus service into that development. It has been agreed with the developer that the implantation of any new bus service will be put on hold pending the outcome of the recommendations of the 'Shifnal Strategy' as outlined below.

### **Shropshire Council Paramics Model**

A wider Travel & Movement strategy for Shifnal, as part of the on-going LDF/SAMDev/Neighbourhood Plan processes is currently being developed. Shropshire Council as Highway Authority have commissioned an independent Paramics Transport Model to evaluate the cumulative impact of all development sites within the Shifnal area.

This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town. The 'Strategy for Shifnal' will include the upgrade of key junctions where capacity has been identified as an issue, together with the



promotion of sustainable transport within Shifnal and improvement to pedestrian and cycle facilities and the existing bus network.

The results of the model have been presented to Shifnal Town Council and formed part of a Public Consultation event, the response to the Public Consultation is currently under consideration and may be subject to further scrutiny by Shropshire Council in response to representations received from Shifnal Town Council.

Shropshire Council as Highway Authority are satisfied that the Transport Model is robust and all developments within the Samdev proposals we have included within the Model, this includes development site under consideration.

### **Section 106 Contribution**

The submitted transport assessment acknowledges that measures will be required to mitigate the impact of the proposed development and other developments within the Shifnal area. In order to make this development acceptable from Highways perspectives, Shropshire Council as Highway Authority would require written confirmation from the applicant that they would be willing to make a reasonable contribute towards the wider strategy for Shifnal to mitigate the impact on the Highway Network.

### **Conditions**

It is considered that there are no Highway grounds for refusing this application subject to the following conditions forming part of the permission and the above mentioned financial contribution secured as part of the Section 106 Agreement to extend to address junction capacity issues within the Town Centre and encourage sustainable travel.

No development shall take place until details of the design and construction of the access roads into the site, at the point where they would link onto Stone Drive and Lloyd Grove, together with details of the disposal of surface water from these access works and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory accesses into the site, in the interests of highway safety.

4.3 Highways Agency – Comments awaited.

4.4 SC Trees – No Objection on arboricultural grounds:

I note that the tree survey (Ian Keen Ltd, ref: JTK/8225/so) has plotted and described the trees and hedgerows on the site and calculated their root protection area (RPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. Whilst this information is sufficient to allow me to accept in principle on arboricultural grounds the outline master plan for the site access points, primary road infrastructure and broad pattern of development, it is not sufficient to allow full assessment of the arboricultural implications of the



proposed development, nor to show how retained trees and hedgerows are to be protected during implementation of any approved development.

I note that the current application includes demolition of an existing property to allow creation of a pedestrian access to / from Silvermere Park, as well as construction of SuDS ponds nearby. These works could potentially damage the above ground parts or roots of trees that are subject to a Tree Preservation Order (the Salop County Council [Shifnal] TPO, 1961). The proposed creation of watercourses in other parts of the site could likewise damage established trees and their roots. Particular care should be taken in the location and design of these features, so as to avoid causing damage to protected and other mature trees. Similar care should be taken in the micro-location of the internal road infrastructure, in order to avoid the root protection area of any nearby mature trees.

Therefore, I recommend the following information should be provided as reserved matters to any approval, in accordance with the aforementioned BS5837: 2012.

Arboricultural Implications Assessment to determine the impact of the proposed development on trees and hedgerows, based on a provisional site layout plan and taking account of any mitigation through, for example, tree planting proposals.

Tree Protection Plan to show how retained trees and hedgerows and, where feasible, future planting land, will be protected from ground compaction or other forms of damage during implementation of any approved development. It should also clearly identify the trees and hedges to be retained and protected during development and those to be removed in order to facilitate the development.

Arboricultural Method Statement to show how any works within the tree protection areas will be designed, planned, implemented and monitored, so as to avoid causing damage to retained trees, hedgerows and their roots.

Planting plan showing the species, numbers, sizes, location and planting specification for trees and shrubs to be planted to enhance the appearance of the development and compensate for any removed in order to implement it.

I would recommend the above should be agreed to the written satisfaction of the LPA prior to commencement of any approved development on site. Tree protection measures should be installed as agreed before any site clearance or stripping / profiling work takes place.

4.5 Environment Agency – Recommend consultation with the Lead Local Flood Authority (LLFA) i.e. the Council's Flood and Water Management Team.

4.6 SC Flood and Water Management – No Objection:  
The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

1. The Flood Risk Assessment is acceptable in principle. As soakaways are not feasible, drainage calculations to limit the discharge rates to those stated in the FRA should be confirmed and submitted for approval once the drained impermeable area is finalised. As stated in the FRA, the attenuation system should be designed so that storm events of up to 1 in 100 year + 30% for climate change

will not cause flooding of any property either within the proposed development or any other in the vicinity. As the development is within a Source Protection Zone, surface water run-off should be treated to the levels as detailed in the FRA.

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

2. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

3. Confirmation is required that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site.

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

Water Butts

Rainwater harvesting system

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

Greywater recycling system

5. Informative Consent is required from the service provider to connect into the foul main sewer.

4.7 Severn Trent Water – No Objection:

Recommend condition that the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

4.8 SC Affordable Housing – Comment:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application.

The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 15%. The assumed tenure split of the

affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. The application supports these figures and shows the correct number and mix at this time, but the size, type and tenure of the affordable homes will need to be agreed with the affordable housing team before a full or reserved matters application is submitted

#### 4.9 Network Rail – Comment:

The developer is reminded that all works should be undertaken on the applicant's land and air-space without encroaching onto Network Rail land or air-space.

##### (1) Underpass

On page 9 of the applicant's amended Design and Access Statement (Jan 2014) under section B "Design and Movement Concept" it states "The proposed development layout does not preclude pedestrian connections under the railway line to the north should Network Rail reconsider their current position in the future. (Currently they do not wish to grant a right of way)." This statement is not correct as Network Rail has indicated to Shropshire Council and the applicant that they would be prepared to grant public access under the railway line, subject to the agreement of Heads of Terms between the Council and the applicant.

##### (2) Drainage

The flooding assessment documentation states:

#### 7.0 CONSIDERATION OF SUSTAINABLE DRAINAGE SYSTEMS

7.1 Surface water arising from a developed site should, as far as practical, be managed in a sustainable manner to mimic the surface water flows arising from the undeveloped site.

7.2 Part H of the Building Regulations 2002 recommends that surface water run off shall discharge to one of the following, listed in order of priority:

- a) an adequate soakaway or some other adequate infiltration system, or where that is not reasonably practicable,
- b) a watercourse, or, where that is not reasonably practicable,
- c) a sewer.

7.8 All soakage tests failed due to lack of infiltration or due to ingress of groundwater.

Infiltration drainage has therefore been disregarded as a satisfactory means of disposal for surface water run off for the proposed development.

8.6 The proposed on site surface water drainage system would be designed in accordance with Sewers for Adoption standards and offered to STW for future adoption and maintenance.

The system would be designed for no pipe surcharging during a 1 in 2 year storm event and no surface flooding during a 1 in 30 year storm event. Details would also be provided to confirm that surface water will not leave the proposed site in the 1 in 100 year (+30% climate change) storm event. If the system surcharged, details would be provided to demonstrate resultant overland flood flow routes and the additional space made available for exceedence flows. Any excess surface water should be routed away from any proposed or existing properties. Detailed drainage

calculations would be provided at reserved matters to demonstrate this using MicroDrainage or similar computer package calculations.

The proposal includes pond attenuation features and surface water to be discharged to the western boundary and indicative routes for ditch network close to the railway boundary.

2.10 A pond is located in the north west corner of the site, into which a watercourse flowing from north of the railway line connects. It is also noted there is a 150mm water main extending to this pond and Severn Trent Water (STW) have confirmed that this main acts as a 'bleed out' to the larger 600mm water main to the east. The valve on this main is opened to clear water from the larger main should a problem occur. It is anticipated STW would control the flow of water so as not to create a flood risk to other parties.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere," We recognise that whilst the council are looking to proposals that are sustainable, that in this case, we would need to see the plans for the surface water run off from the site and to determine that they will not impact our infrastructure. The drainage, surface and foul water management systems should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land.

We would request that either a condition is applied to the planning consent as below or that the developer contacts the Network Rail Asset Protection Engineer prior to any issuing of a planning consent with the detailed plans and that we approve the surface water proposals prior to works on site.

Condition:

"Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway from the risk of flooding and pollution.

### (3) Open Spaces

From the masterplan there is a landscape buffer running along the Network Rail boundary, with proposed open spaces.

Network Rail would require a suitable trespass proof fence installed adjacent to the boundary with the railway to prevent any landscaped areas or open spaces importing a risk of trespass to the operational railway. We would recommend a fence of a minimum of 1.8m in height and of steel palisade construction.

Any existing Network Rail fencing at the site has been erected to take account of the risk posed at the time the fencing was erected and not to take into account any presumed future use of the site, where increased numbers of people may be using the proposal area. Therefore, any proposed commercial development imports a risk of trespass onto the operational railway, which we would remind the council, is a

criminal offence (s23, s55 British Transport Commission Act 1949). As the applicant has chosen to develop a proposal next to the operational railway they are requested to provide a suitable trespass proof fence to mitigate any risks they will import. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund boundary works and enhancements necessitated by third party commercial development.

#### 4.10 SC Public Protection – No Objection:

The noise assessment submitted as part of this application states that noise mitigation in the form of suitable double glazing and suitable attenuated passive ventilation systems are likely in properties with bedrooms having windows on the facade facing the railway in the northern most part of the site. As a result it is recommended that specific noise mitigation measures are proposed at reserved matters stage. If details are not supplied with the application conditions will be proposed in relation to noise by Public Protection.

In order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. The following condition is therefore proposed should this application be granted approval:

An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

It is also recommended that the case officer conditions construction times for this development as 250 houses may take a significant time to be built and therefore nearby residents will require protection from noise.

I would also recommend the following condition:

No fires shall be carried out on site curing site clearance and construction.

Reason: to protect the amenity of the area.

#### 4.11 SC Ecology – No Objection:

I have read the above application and the supporting documents including the Ecological Appraisal and Phase 2 Survey Report, Great Crested Newt Mitigation Strategy and No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSA dated December 2013.



**Recommendation:**

Activity surveys found possible common pipistrelle bat activity around an alder tree in the garden of 18 Silvermere Park. Confirmation should be sought on whether this tree can be retained in the layout.

EPS 3 test matrices for bats and great crested newts should be completed.

The following conditions and informatives should be attached to any consent

**Habitats**

The wet woodland type community present around Pond 4 within the site and Ponds 6 & 7 on the boundary are considered to be of particular importance for notable bird species such as the lesser spotted woodpecker and willow tit. The pond habitats are considered to be of local value. These habitats will be retained within and buffered from the development. Objectives and prescriptions for the long term management of these habitats should be outlined within a landscape and ecology management plan for the site.

CSa (2013) state that prescriptions for the future management of retained and newly created habitats should be included within a Landscape and Ecology Management Plan for the site, which should include ecological objectives to maximise the sites biodiversity value in the long term. The following condition is recommended to cover the wildlife species and habitats highlighted below:

**Condition**

1. A habitat management plan shall be submitted to and approved by the local planning authority as part of the Reserved Matters and implemented prior to the occupation of the development. The plan shall include:
  - a) Description and evaluation of the features to be managed (to include great crested newts);
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Details of bat and bird boxes
  - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Monitoring and remedial/contingencies measures triggered by monitoring.The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

**Reason: To protect features of recognised nature conservation importance.**



### Great crested newt

Fifteen ponds within 500m of the site were surveyed by CSa across four nights in April and May 2013, with ponds supporting great crested newt (GCN) plus Pond 27 having an extra two surveys.

CSa (2013) report that they found a small population of great crested newts within Ponds 8 and 10 directly to the south of the site. Low populations of GCN were also found in 3 other ponds within 500m of the site. The hedgerows, ditches, ponds and rough grassland margins within the site have potential to be used by GCN and CSa have therefore developed a detailed mitigation strategy to demonstrate that significant impacts to GCN can be avoided although a European Protected Species (EPS) licence will be required to permit the works. The habitat management plan required will also need to include habitat for great crested newts.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

The following conditions are recommended:

#### Condition

2. No development or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

**Reason: To ensure the protection of great crested newt, a European Protected Species**

3. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Great Crested Newt Mitigation Strategy CSa/1988/09 dated December 2013 and No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013.

**Reason: To ensure the protection of great crested newts and bats, European Protected Species**

#### Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

### **Reptiles**

No reptiles have been identified within the site, however a small population of grass snake was recorded by CSa adjacent to the south of the site at New Park Farm, and within the wider landscape. It is considered very likely that grass snake will utilise the hedgerows, ditch lines, ponds and rough grassland habitats in the site for foraging, shelter and dispersal. These habitats will be largely retained and the mitigation proposals outlined in the Great Crested Newt Mitigation Strategy, such as the erection of herptile fencing, will also limit any impacts to grass snake populations present at the site.

### **Bats**

The buildings at number 18 Silvermere Park were assessed by CSa(2013) as having low bat roosting potential due to the well maintained and tightly sealed condition of the house, conservatory and garage. However, a small number of droppings (c.10) likely from Daubenton's bat were found within a discrete area in the roof void on top of a the boiler and adhering to the wall above, below a possible entry point where the boiler flue pipe enters the roof and small gaps exist between lead flashing and the roof tiles. These are considered to be old droppings.

Activity surveys comprised a dawn return-to-roost survey on 13 August 2013 and two dusk emergence surveys on 20 and 27 August 2013 to determine the presence / likely absence of any roosts. No bats were seen emerging from 18 Silvermere Park over the 3 surveys however a common pipistrelle bat was seen to emerge from a neighbouring house. There was also possible common pipistrelle bat activity around an alder tree in the garden of 18 Silvermere Park. Confirmation should be sought on whether this tree can be retained in the layout. If it cannot then further bat survey work will be necessary.

A European Protected Species licence will be required to permit demolition of 18 Silvermere Park.

A mitigation strategy is proposed by CSa to include provision of bat boxes on trees prior to demolition, an ecological watching brief and control of lighting. New bat roosting opportunities in the new dwellings are recommended as enhancement.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

Certain trees within the margins of the site offer medium to high bat roosting potential. These trees will be retained under the current design proposals, however should it be necessary to remove such trees or if tree surgery work is required (e.g. for health and safety reasons) then further bat survey work may be required to establish the presence / absence of roosting bats.

CSa recommend that bat roost features should be incorporated into the design of new buildings or attached to retained trees. The following conditions are recommended, with condition 3 above requiring the submitted method statement to be followed:

### Conditions

4. Demolition of 18 Silvermere Park shall not commence until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

**Reason: To ensure the protection of bats, a European Protected Species**

5. Prior to the first occupation of the dwellings details of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, as recommended in the No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013 shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

**Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species**

6. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*

**Reason: To minimise disturbance to bats, a European Protected Species.**

**Informative**

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

**Badger**

A full survey was undertaken but no badger setts were identified on the site. A badger scat was found on the site in 2012. It will be important to have an updated badger survey no more than 12 months old to accompany the Reserved Matters.

**Informative**

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

**Birds**

Breeding bird surveys were carried out and CSa recorded several species of conservation concern. The most important habitats for birds are the hedgerows, woodland and tree belts on the site boundaries, which are shown for retention on the MasterPlan. Bird boxes are recommended.

**Informative**

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

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

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

## 4.12 SC Waste Management – Comment:

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-wastestorage-and-collection.pdf>

## 4.13 SC Archaeology – No Objection:

The development proposal involves land to the south-east of Shifnal adjacent to and south of the Shrewsbury & Birmingham Railway (Shrewsbury to Wolverhampton). There are some known non-designated heritage assets within the proposed development boundary and a number of non-designated heritage assets located within the immediate area. Shropshire Council's Historic Environment Team commented on a screening opinion (13/04548/SCR) for the proposed development, requesting that a heritage assessment for the development be undertaken. An Archaeological Desk Based Assessment (Report No. CSa/1988/10 December 2013) and a Landscape and Visual Assessment (Report No, CSa 1988/07a) have been submitted in support of the application. These documents assess all heritage assets that may be directly or indirectly affected by the development and addresses any issues of setting of heritage assets that may arise. In respect of archaeological remains the report notes the possibility of remains relating to brick manufacture based on evidence derived from tithe mapping and records of ridge and furrow (now largely ploughed out) in the east of the site. A small number of medieval findspots within the development boundary, not included in the report, have been recorded through the Portable Antiquities Scheme. The report concludes that this paucity of evidence may reflect the comparative lack of previous investigations beyond the historic core of Shifnal rather than a true absence of archaeological activity. Therefore, although the potential for previously undetected buried archaeological remains being impacted remains low, further evaluation would be considered appropriate as this would provide a level of confidence regarding the actual potential for archaeological remains to be encountered. In respect of the visual impact, the assessment concludes there will be no impact by the development upon the settings of any designated heritage assets I concur with both these findings.

**RECOMMENDATION:** In view of the above and in accordance with NPPF Section 141 I would recommend that Programme of Archaeological Work in accordance with a written scheme of investigation (WSI) be undertaken prior to work commencing on the site. This should make provision for additional evaluation of the site using geophysical survey followed by series of targeted trial trenches to determine the presence or absence of un-recorded archaeological deposits and

establishes a level of confidence regarding the actual potential for archaeological remains to be encountered. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

- 4.14 Shifnal Crime Prevention Panel – Comment:  
Should consider lighting footpath link to Silvermere, as this will become main link to the Town Centre  
Recommend condition to provide lighting on all main pedestrian footpath routes  
Explore further cctv coverage of the site, particularly in public and at busy junctions; cctv should cover town park and ask for one cctv camera to be provided by the developer and linked into the existing control room to adequately cover this area.  
Panel would like to seek funding from CIL or other monies available from the developer to assist with the continued operation and improvements to the crime reductions systems in Shifnal, to ensure it remains a low crime area.
- 4.15 Shifnal Flood Group – Object:  
All flood risk assessments passed or about to be passed by Shropshire Council not fit for purpose, as all rely on surface water terminating in Silvermere pond.  
Silvermere pond as never drained into Wesley Brook via the route described.  
Culverts have been blocked for more than 20 years.  
Responsibility of riparian owners to maintain any culvert that is under their land and the owner of the roadway that both culverts are under is assumed to be Shropshire Council.  
Pump suggestion would make an existing very serious flood risk to properties in Brooklands Avenue much worse.  
Shropshire Council responsible to maintain the flow in all streams that are not main rivers.  
Understand Shifnal's foul sewage system is not able to receive any more sewage until 2030 and query what is to be done to rectify this apparently very serious problem.  
A464 Highway drainage system ineffective.
- 4.16 -Public Comments  
The comments received are summarised below and the full letters/comments may be found on the planning file:
- 19 Objections:
- Site does not comply with development boundary shown in SAMDev revised preferred options 2013 (site 1006a).
  - Development area is greater than the area allocated for housing in Bridgnorth District Local Plan review by some 5Ha (30% greater)
  - Changes from map displayed at consultation exercise at Village Hall; area smaller by some 3Ha but same amount of housing proposed, increasing density from around 30 per Ha of the phase 1 development to 36.5 Ha; developers have misled the general public and saved land could potentially hold another 100+ houses.
  - No further development should take place on safeguarded land controlled by applicant.
  - No demand for 250 houses; over 92% of Shifnal residents oppose further development, as does the current Shifnal Town Council.



- MP opposes plans that are neither proportionate nor sustainable.
- Should be no further development on top of the 915+ already approved until the town has been given time to adjust and gauge in real life, how it may adapt to further growth.
- All Section 106 works associated with Thomas Beddoes Court should be completed prior to a consent, including the pedestrian crossing across Wolverhampton Road; footpath widening from that site to bend in A464; pedestrian/cycle path along western edge only partially created to first field boundary and does not extend up to railway line; completion of all drainage works; and carrying out risk assessment for the permanently filled attenuation pond and nearby planned play area.
- Some green space areas are not maintained and un-kept; play area not installed yet.
- Consent for the site should not be given until there is a solution to Shifnal's traffic problems following the traffic study currently being undertaken by Shropshire Council as highway authority.
- Should be no vehicular access into Silvermere Park as would be detrimental to highway safety.
- Some driveways in phase 1 do not have adequate turning points and need improvement if Stone Drive is to become main road.
- Increased traffic on Stone Drive detrimental to highway safety.
- Shifnal bypass shelved some years ago and planned route now built upon; all A464 traffic has to pass through town centre; restrictions on HGVs flouted.
- Would add to existing serious parking and congestion problem Shropshire Council unable to solve.
- Transport Assessment referencing other agents/developers figures inadequate.
- Should be no further development in advance of Council's Transport study of Shifnal.
- Proposed measures will not work
- Petition presented to Shropshire Council requesting a proper and real traffic survey be carried out so that adequate solutions can be designed.
- Traffic modelling is proof that the current road network will be way over capacity, which constitutes a material objection which Shropshire Council and the NPPF cannot deny.
- Shropshire Council's Traffic Modelling based on 25% growth in traffic, but Town will grow by 63% if all applications are granted.
- Travel to work figures taken from 2001 Census despite 2011 Census being available
- July 2013 traffic counts not representative.
- Pedestrian route from development through Silvermere Park/Mead Way/ public footpath to Aston Street not suitable to pedestrians and cyclists due to unlit railway tunnel and narrow footways leading to the town centre and Idsall and Curriers Lane schools.
- Increase in traffic and potential bus route a major concern; people already parking on roundabout which leads onto Stone Drive due to lack of other space.
- Harms local character; adverse visual impact.
- Density too high.

- Harm to natural environment.
- Loss of existing views

- Pedestrian link would cause harm to amenities of Silvermere Park properties by reason of noise, disturbance, over looking, loss of privacy, vandalism, litter.
- Town Park would be detrimental to the centre of Shifnal.

- Inadequate Town Infrastructure; schools and medical services cannot cope; lack of parking in Town Centre.
- Unsustainable development with the current level of employment opportunities in Shifnal.
- Shifnal deserves a medical centre closer to the town centre.

- Outfall from the pond in the northern corner of the site, locally known as Mead Pit, must connect to the proposed attenuation ponds rather than flow into the rear gardens of Ty Newydd, off Mead Way and downstream to the Silvermere.
- Outfall rainwater from the site goes into the Mere; water table has become the same level as the gardens and has not been able to cut lawn or cultivate garden for last 2 years due to flooding.
- Unable to sell property due to flooding.
- Will cause more flooding.
- Calculations in relation to the amount of water being released from development are wrong.
- Large balancing pools above garden levels and water will drain out of pools into gardens.
- Balancing pools will only work if the floor and sides waterproof and existing pool not lined.
- Volumes of water entering the Mere will be far more than natural run off and this, combined with the volume of water from hydrobrakes is significantly more than prior to development.
- Attenuation pools are now being criticised for their danger.
- 2008 report said Mere outlet was working, this has now been proven to be wrong; even with new overflow pipe in place there is an unacceptable high level of water in the Mere.
- In 2001 Bridgnorth District Council confirmed by letter that the outlet culvert serving Silvermere was blocked; 2008 Thomas Beedoes Court application included statements made by Shropshire Council and consultants acting on their behalf to support FRA That the outlet culvert from the Silvermere to the Wesley Brook was working; In 2011 following extensive work by Cllr Stuart West an overflow pipe was installed to drain surface water from the site into a culvert in Park Street and thence via an open culvert to the side of Brooklands Avenue into the Wesley Brook; reactive measure to alleviate local flooding rather than the correct proactive long term holistic solution for Shifnal. All the current applications discharge directly or indirectly through the Silvermere and then via an overflow pipe rather than an outlet culvert as described in the 2008 documents.
- Residents of Silvermere were promised by Shropshire Council Flood and Drainage Dept that no further development would be permitted on this site until a solution to the drainage of the Silvermere was established and works carried out to significantly lower the water level prior to any further construction.
- Expect Shropshire Council to abide by 2010 report it commissioned from Hyder

Consulting UK Ltd which advised area adjacent to the Wesley Brook/Silvermere confluence is a location where development should be prevented now and into the future.

-Flooding issues still not properly addressed at this site.  
-Believe would increase risk of flooding in Applebrook area when if the drainage to Wesley Brook was operating.

-Has foul water pumping station been approved by Severn Trent Water?

One Comment received:

-Concern regarding the issue of drainage and flood defence.  
-Consideration should be given to consequences of standing, possibly stagnant water in close proximity to residential area.  
-Proposed location for Town Park looks more like a village green for the new development and would not encourage existing Shifnal residents as users.

## 5.0 THE MAIN ISSUES

Principle of development  
Affordable Housing  
Visual Impact and Character  
Drainage  
Highway Safety and Accessibility  
Residential Amenity  
Ecology  
Open Space  
Loss of Agricultural Land  
Archaeology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The application site does not fall within the Green Belt but is on land outside the current Development boundary for Shifnal, shown in the Bridgnorth District Local Plan, which is safeguarded by policy S4 to be available for possible future use to meet the settlement's long term development needs. At the present time planning permission would normally only be given for developments on the land which would be acceptable in the Green Belt, provided that such development would not prejudice its ability to meet the settlements long term needs. The erection of open market housing on the site outside of the Shifnal development boundary would be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework, published in March 2012, must be taken into account and is a material consideration of significant weight in determining planning applications.

6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable

development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or 2) specific policies in the NPPF indicate that development should be restricted.

6.1.3 Paragraph 47 of the NPPF sets out a number of steps that local planning authorities should take to boost significantly the supply of housing. These include a requirement to:-

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

It continues at paragraph 49 that:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

These paragraphs are highly significant in the context of this planning application because Shropshire Council has published an updated 2013 Five Year Housing Land Supply Statement for Shropshire and Shrewsbury. The update is based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment shows that at 1<sup>st</sup> April 2013, there was a 4.95 year supply of housing land. The Council is now 12 months on from that calculation and the under delivery of housing in recent years is not being rectified even with the consents issued in recent months. The shortfall of housing delivery continues to increase every month meaning that the Core Strategy target for the provision of new homes (an annual target of 1,390 homes, equating to 116 homes built per month) is not being met. Last year 2012/13 there were only 847 homes built in that year, while in 2011/12 there were only 724 homes built across Shropshire. It is highly likely that 2013/14 will likewise be short of the target. Therefore unless the market picks up dramatically, every month that goes by increases the short fall and reduces the number of years' supply of housing land. In consequence Shropshire's five years supply is now below 4.95 years housing land supply and is likely to remain so until the SAMDev Plan is closer to adoption. This means that the existing Development Plan housing policies are not up –to –date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being partly outside of the development boundary for Shifnal would be most unlikely to be sustained at appeal, and could result in an award of costs against the Council for not following the National

Planning Policy Framework guidance on this key principle. The effect of the NPPF has been to change the balance of the material considerations in favour of boosting housing supply and the relative weight which can be attached to the Core Strategy, saved Local Plan policies and the emerging SAMDev policies.

6.1.4 While the application site falls is designated 'safeguarded land' under Local Plan policy S4, the lack of a five year supply of housing land renders all policies relating to housing supply 'out-of-date,' including safeguarded land policies where they relate to housing. Ideally the future of all safeguarded land would be determined through the SAMDev Plan process. However it is clear from a recent parliamentary debate (Parliamentary Debate on housing supply and the role of Local Plans, Hansard 24/10/13) and a review of recent appeal decisions across the country, that an emerging Local Plan is afforded minimal weight by the Planning Inspectorate or Secretary of State until submission stage (for non-contentious proposals) or publication of the Inspector's report (for contentious proposals) respectively. Therefore the emerging SAMDev Plan has little weight on the decision on this planning application at this time.

6.1.5 A further factor of significance is that the application site forms part of a parcel of land the bulk of which, in the SAMDev preferred options consultation of March 2012 and the revised preferred options consultation of July 2013, has been allocated as a housing site. (Land north-east of the Wolverhampton Road (ref SHI006 – 11.6Ha). In the final SAMDev plan the site boundaries to SHI006 have been adjusted to follow existing boundary features, to accommodate a town park and match those shown in this planning application. The approximate capacity of 250 dwellings for this land has already been included in the Council's 5 year land supply calculations as a commitment. The commentary on this allocation in the revised preferred options document states:

"This site remains linked to the development of sites SHI004 and ELR021 and will play an important role in securing an improved linkage from the south of the town centre/Idsall School and in delivering open space as part of a comprehensive, planned development. The 250 homes proposed will help enable the comprehensive development of the east of the town that is strategically important to the future sustainability of Shifnal."

The allocation of the site for residential development in SAMDev demonstrates that the Council is satisfied that the principle of such development on this site would meet the three dimensions of sustainable development – economic, social and environmental – set out in the National Planning Policy Framework. The Shifnal Town Plan 2009 promoted a new park for the town and this aspiration was reflected in the Shifnal Place Plan, which is part of the LDF Implementation Plan referred to in Core Strategy policy CS11. The inclusion of a 'Town Park' is therefore an important aspect of this scheme, the precise form of which would be determined at the reserved matters stage.

The proposal therefore has to be considered on its own merits in relation to the issues set out below.



## **6.2 Affordable Housing**

6.2.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. The proposal will deliver affordable housing at the prevailing rate to comply with Core Strategy policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted.

## **6.3 Visual impact and character**

6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. All matters other than the accesses onto Stone Drive and Lloyd Grove are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting documents (see paragraphs 1.3 to 1.5 above) and the visual containment of the site by the railway to the north, and the existing built up area of the Town to the south and west, together with a ridgeline to the east, would mean that development of this site would not adversely impact upon the wider landscape. The matters raised by the County Arboriculturalist in relation to the potential impact of development on some existing trees and hedges are matters which can be addressed adequately at the reserved matters stage when there would be an actual, as opposed to indicative, site layout to consider. Measures for tree protection during site works and the submission of an arboricultural method statement in relation to the proposed access works can be covered by condition on any outline planning permission that is issued.

## **6.4 Drainage**

6.4.1 The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development. The hydraulic modelling undertaken as part of the Shifnal Surface Water Management Plan concurs with this classification. Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. A flood risk assessment incorporating a drainage strategy accompanies the planning application. The flood risk assessment advises that discussions are ongoing with the Shropshire Council Flood and Water Management Team regarding proposals to install a new lower outfall pipe to help reduce water levels in the Silvermere by approximately 0.2 – 0.3m and this proposal would contribute funding through the infrastructure provision within CIL. The drainage investigations have established that infiltration drainage would not be feasible for

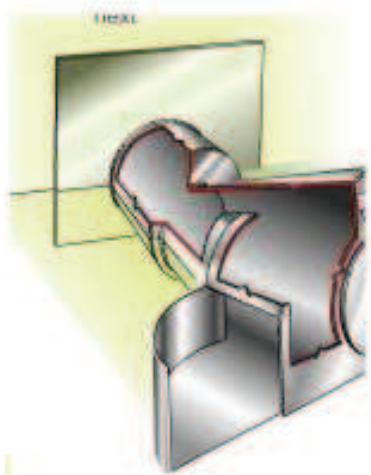


the disposal of surface water run-off from the proposed development. It is proposed to discharge the surface water from the site to two attenuation ponds located along the western boundary of the site. The attenuation device within the site would store flows up to the 1 in 100 year (+30% climate change allowance) return period event and limit outfalls to greenfield run off rates. The ponds would outfall to a ditch along the southern site boundary which drains into the Silvermere. The proposed surface water strategy would not increase flood risk at the site or elsewhere, and the effect of the new development would provide a betterment in terms of surface water outflows from the site compared to un-attenuated greenfield rates. The foul sewerage from the site would discharge to the existing Severn Trent sewers in Silvermere Park or Wolverhampton Road via a pumped connection.

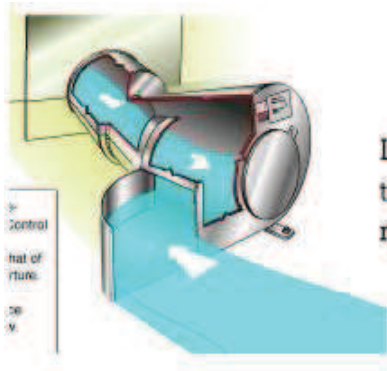
- 6.4.2 The Council's Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the number of residential units proposed. Severn Trent Water have responded to their consultation raising no objections and are also content that drainage matters can be dealt with by condition on this outline planning application. The precise drainage details would be fully assessed when a detailed scheme for the site is submitted for approval, should the principle of development be accepted.
- 6.4.3 The agents have advised, as was reported verbally at the last meeting, that there has been significant further investigation and work undertaken by Shropshire Council, Taylor Wimpey and Gallaghers which has re-established a positive outfall connection at a higher level from the Mere. Initial investigations have shown that it will not be cost beneficial to re-establish the original outlet. The mere currently sits at a level some 800-900mm higher than the level of the blocked original outlet, and flows out to the Wesley Brook via the overflow pipe installed relatively recently. The scheme proposed is to provide a pumped outfall to the Mere such that, during dry weather flows, the Mere can be returned to its 'pre-blocked outlet' level. The height of the outfall from the Silvermere would not change and it is the pump which would allow water levels lower than the outfall to be reduced to the pre-blocked outlet level. Once installed the pump, rising main, power supply and maintenance would be the responsibility of the Silvermere Resident's Group, who the agents state has indicated would be happy with this. This work would achieve a water level reduction to improve amenity space i.e. gardens rather than overcome a flood risk to property and therefore responsibility of maintenance would rest with the residents. A detailed cost estimate is being worked on by Council Officers, however based on the indicative costs to date, the applicants confirm their agreement to fund these works subject to agreement on the final cost. It must be stressed that, even without these works, the development would provide extensive on site attenuation which would provide a significant betterment over existing Greenfield run-off conditions, providing an enhancement to the operation of the Mere through the control of surface water discharge rates from the catchment: These provisions meet the requirements of the National Planning Policy Framework.

6.4.4 The surface water drainage strategy is as follows:

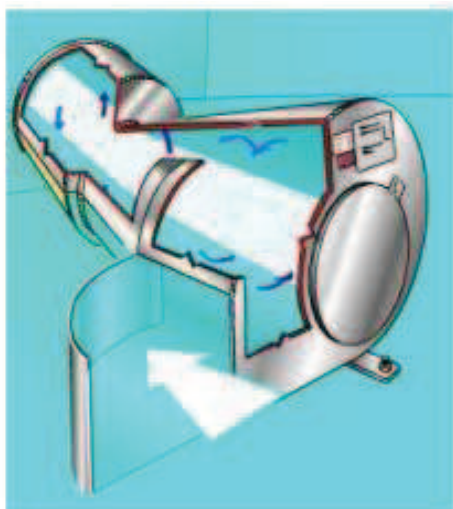
- The land which forms the development area already drains into the Silvermere via a series of ditches and through overland flow off the existing fields. The proposed drainage strategy that will be implemented as part of the proposed development mimics the existing situation. The development is therefore NOT generating additional water into the Silvermere above existing run off rates.
- All surface water drainage from the site will drain to 2no. proposed attenuation ponds situated along the western boundary. Flows will be directed to these ponds via new surface water sewers and existing/proposed ditch networks.
- The attenuation ponds will provide attenuation up to the 1 in 100 year storm event including 30% for climate change in accordance with the requirements of the NPPF.
- These ponds will store the water where it will be discharged in to the Mere using a flow control device which controls and restricts the rate of flows. A series of diagrams showing how this device works is shown below:



No flows



Low flows – discharge controlled by the size of the outlet i.e. narrow outlet results in restricted discharge



High storm event - central vortex created which displaces water into pond to control discharge rates.

· The proposed maximum discharge rate from the development area for all storm events will be 18.7 litres per second including the 1 in 100 year storm event including 30% for climate change. In comparison the peak Greenfield run off for the same area i.e. the existing situation for the 1 in 100 year storm event including 30% for climate change is 62.5 l/s. The development will provide 70% betterment over the existing situation.

-Runoff rates are calculated using rainfall data and various statistical assessments as described in Institute of Hydrology Report 124 – Flood estimation for small catchments.

-To further help reduce flood risk, an existing pond in the north western corner of the site will be provided with a new overflow channel to direct any exceedance flows into the proposed drainage system and further reduce risk to existing residents. A drawing providing an existing and proposed surface water drainage overview will be presented in the power point display at the Committee meeting.

## 6.5 Highway Safety and Accessibility

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:  
 “- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. It is acknowledged that there are concerns about the impact of development on the traffic situation within the centre of Shifnal and this proposal must be assessed in the context of the above national guidance and Development Plan policies.

- 6.5.2 The Transport Assessment submitted with the application has assessed the traffic flows from the proposed development and the impacts upon key junctions and their operation in the town at 2013 and future years 2015 and 2026 with and without the proposed development. It has also considered other transport modes and facilities in the locality. Account has been taken of committed developments. The Assessment concludes that the Aston Street/Bradford Street priority junction is predicted to experience capacity constraints and additional queueing, as would the Victoria Road/Bradford Street/Market Place priority junction, and that capacity constraints are already experienced at these junctions: This finding is consistent with Transport Assessments submitted with other development proposals in Shifnal. The Priorslee Road roundabout would be operating over theoretical capacity with the proposed development in 2026 and consideration would need to be given to mitigation at these junctions. The M54 junction 4 would experience additional queueing in the PM peak only, but this would be marginal and likely to be reduced through appropriate travel planning measures which would be implemented by the developer. It states that there would be no capacity issues in relation to the Wolverhampton Road/ Thomas Beddoes Court priority junction and roundabout junctions with the proposed development. The other junctions studied, comprising of Bradford Street/Victoria Road; Curriers Lane/ High Street; Curriers Lane/Aston Road; and Priorslee Road/Telford Services are judged to have sufficient capacity to not require mitigation measures.
- 6.5.3 An analysis of accident data in the Transport Assessment concludes that there is no existing accident problem or identifiable accident trends within the study area that would be exacerbated by the proposed development. The mitigation measures set out in the Assessment comprise of a Travel Plan to encourage use of sustainable transport modes including walking, cycling and public transport; off-site highway improvements through the wider Travel and Movement Strategy being developed for Shifnal to which a contribution from this development would be provided; the provision of a new pedestrian link into Silvermere Park to give a more direct connection to the railway station and town centre; and improvements to public transport, noting that as part of the planning permission for phase 1 of the development, a contribution has been provided as part of the section 106 agreement towards funding a bus service into that development (not yet operational), which could be extended into the proposed development – This would be a matter for consideration as part of the 'Shifnal Strategy'.

6.5.4 A number of public consultation responses have made reference to off site highway works that formed part of the planning permission for the first phase of the Thomas Beddoes Court development having not yet been carried out. These works have been the subject of discussions between the applicant and SC Highways Development Control. At the time of writing this report it is understood that the provision of the pedestrian crossing and footpath widening works on Wolverhampton Road are imminent. SC Highways Development Control have requested that no work be carried out to the junctions within the Town Centre until decisions have been made on the Travel and Movement Strategy for Shifnal discussed in paragraph 6.5.5 below. With regard to the footpath/cycleway link along the western side of the site not having been completed up to the railway line, the applicants have explained that the approved alignment includes land that is outside of their control and within the rear gardens of adjacent properties. This matter remains the subject of a current investigation and, in the event of the current application being approved, would be a matter to consider in the layout of a future reserved matters application for the current application site.

6.5.5 SC Highways Development Control have commented a wider Travel and Movement Strategy for Shifnal is currently being developed. This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town. The 'Strategy for Shifnal' will include the upgrade of key junctions where capacity has been identified as an issue, together with the promotion of sustainable transport within Shifnal and improvements to pedestrian and cycle facilities and the existing bus network. The Council's Highways Officers are content that the proposed accesses into the application site would be acceptable and not detrimental to highway safety. The proposed highway contribution towards the 'Strategy for Shifnal' which would be sought as part of any grant of planning permission would include a review of the existing bus network and possible improvements to the service currently provided to encourage sustainable travel within Shifnal, reducing the impact on the Highway Network. Due to highway capacity issues which have been identified, any resolution to grant consent would have to be subject to satisfactory agreement being reached on the contribution that this development proposal should make to off site highway works/sustainable travel measures through the Section 106 Agreement. The comments of the Highways Agency had not been received at the time of writing this report and the recommendation also has to be subject to the receipt and content of their comments.

6.5.6 The proposed footpath connection through Silvermere Park would provide a convenient route through to the Town Centre. It would provide a sustainable transport option and alternative to the private car for shorter trips to facilities in this area. It would accord with paragraph 29 of the National Planning Policy Framework which seeks to give people real choice about how they travel.

## **6.6 Residential Amenity**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available,



that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise. The creation of a footpath link through to Silvermere Park through the demolition of an existing dwelling and its subsequent use would not unduly harm the residential amenities of the locality.

- 6.6.2 The proposed dwellings on the application site could be affected by the presence of the presence of the railway line. A Noise Assessment has been submitted with the application, which is based upon a 24 hour period of on-site noise monitoring. It concludes that installation of standard thermal double glazing and suitable attenuated passive measures (e.g. trickle vent) systems would reduce internal and external noise levels to within recommended noise levels. It recommends also that the orientation and internal layout of the proposed dwellings close to the railway line can be designed with the windows of habitable rooms located on facades facing away from the railway. SC Public Protection are content with the findings of this report. These are matters which would be taken into account in the submission of reserved matters application(s) should outline planning permission be given.
- 6.6.3 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere with SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays and Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued.

## **6.7 Ecology**

- 6.7.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the approval of a habitat management plan; the obtaining of a European Protected Species Licences with respect to Great Crested Newts and bats; work to be in accordance with the submitted Great Crested Newt Mitigation Strategy and Bat Mitigation Strategy; the provision of bat boxes and any external lighting. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to great crested newts, bats, badgers and nesting birds would be attached to any planning permission issued.
- 6.7.2 European Protected Species (EPS) Licences will be needed with respect to Great Crested Newts and bats. The EPS tests in respect of Great Crested Newts are considered to be met in that there is an overriding public interest due to the key role of this site identified through all stages of the SAMDev process as a housing site and open space to enable the comprehensive development of the east of the town that is strategically important to the future sustainability of Shifnal. A further significant factor is the priority given in the National Planning Policy Framework to the supply of housing sites in sustainable locations where Councils are unable to demonstrate a five year land supply. The site location and context, and the connectivity required to the existing built up area with sustainable transport options/links, means that there is no satisfactory alternative to the development of



this land for residential purposes. It has been established through the investigations carried out and with the recommended mitigation that the development would not be detrimental to the maintenance of the population of Great Crested Newts bats at a favourable conservation status within their natural range. These same factors are judged to mean that the EPS tests in relation to the Licence needed with respect to bats are also met in this case.

## **6.8 Open Space**

6.8.1 A number of comments have been made about the layout of the public open space and town park shown on the indicative master plan. The precise form of these areas would be a matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

## **6.9 Loss of Agricultural Land**

6.9.1 The site lies on a mixture of Grade 2 and Subgrade 3a agricultural land, with some 0.7Ha used for storing caravans. The NPPF states at paragraph 112 that "Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), and the inclusion of this land as a residential development site in all the SAMDev consultations and inclusion in the Final Plan, it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

## **6.10 Archaeology**

6.10.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, including areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted with the application. The assessment concludes that archaeological remains in the form of brick kilns and clay extraction pits may be present within the northern part of field C (close to the railway) and elsewhere within the site, although there is nothing to suggest from the desk-based research alone that significant archaeology is present within the site. Archaeology should not therefore be viewed as a constraint to development although it is recommended that consultation be undertaken with the Historic Environment Team of Shropshire Council in order to agree an appropriate archaeological strategy. It is hoped to have a response from the Council's Archaeology Team in time for the Committee meeting.

## **7.0 CONCLUSION**

7.1 The proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4. However the Council has accepted that Shropshire does not have the minimum 5 year land

supply and buffer percentage to that figure required by the National Planning Policy Framework (NPPF). Consequently under paragraph 49 of the NPPF the policies relating to the supply of housing cannot be considered up-to-date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being outside of the development boundary for Shifnal would be most unlikely to be sustained at appeal as the Council would not have followed NPPF guidance on this key principle. This site is a sustainable location, adjacent to existing housing immediately adjoining the built up area of Shifnal. It is identified as a housing site in the SAMDev Final Plan and, although some minor adjustments to site boundaries have been made to reflect existing site features, has been a housing site in all previous versions of SAMDev. The principle of residential development on this site would accord the economic, social and economic roles of sustainable development set out in the National Planning Policy Framework.

7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development of this land would not detract from the wider landscape setting of Shifnal or the immediate locality. Neighbour amenity would be safeguarded in the consideration of the reserved matters submission. There are no ecological, archaeological or drainage reasons that would justify a refusal of outline planning permission. The scheme would make a contribution towards affordable housing and the Travel and Movement Strategy for Shifnal through the Section 106 Agreement. Detailed technical aspects of the scheme would be fully assessed in relation to the development scheme submitted at the reserved matters stage.

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 three months 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 1970.

## 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

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS10 Managed Release of Housing Land  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
S1 Development Boundaries  
S4 Safeguarded Land

D6 Access and Parking  
H3 Residential Development in Main Settlements

SPD on the Type and Affordability of Housing  
Open Space Interim Planning Guidance

11. Additional Information

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

Planning Statement; Design and Access Statement;  
Archaeological Report;  
Ecological Appraisal;  
Bat Survey and Mitigation Strategy;  
Great Crested Newt Mitigation Strategy;  
Environmental Risk Assessment;  
Flood Risk Assessment;  
Landscape and Visual Appraisal;  
Noise Assessment;  
Services Report;  
Statement of Community Involvement;  
Sustainability Statement;  
Transport Assessment;  
Travel Plan;  
Tree Survey  
Waste Audit Statement.

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Stuart West

**Appendices**

APPENDIX 1 - Conditions

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

1. Approval of details of the layout, appearance, scale, and landscaping of the development, the means of access thereto (other than the accesses into the site off Stone Drive and Lloyd Grove) 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 1(2) of the Town and Country General Development (Procedure Order) 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of 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 either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application, other than in respect of the access points direct off Stone Drive and Lloyd Grove. (As such details indicated on the plans accompanying the application are for illustration purposes only),

Reason: To define the permission and to retain planning control over the details of the development

5. The dwellings constructed on site shall incorporate noise reduction measures set out in the Noise Assessment Report by MEC in respect of Land off Wolverhampton Road Shifnal (ref 20213/12-13/3476) dated December 2013 with respect to double glazed windows, acoustic trickle vents/mechanical ventilation and the building fabric, to achieve good internal noise levels at night in accordance with BS8223 and WHO guidelines for community noise. The works shall be carried out/installed before each dwelling is first occupied.

Reason: To safeguard the residential amenities of the proposed dwellings.

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in

writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. The development shall be carried out in accordance with a phasing plan, which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development of the site.

8. The application(s) for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (Provision being in accordance with the associated Section 106 Agreement) to be provided on that part of the site covered by that application. No works shall commence on the part of the site covered by that particular application until the location of affordable housing within it has been approved in writing by the local planning authority.

Reason: To ensure the provision of affordable housing, in accordance with Development Plan housing policy.

9. The approved Travel Plan (ref: 20213/12-13/3492 dated December 2013) shall be implemented within one month of the first occupation of any part of the residential development. The Travel Plan measures shall relate to the entirety of the development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with section 4 of the NPPF.

10. Demolition or construction works shall not take place outside the following times:  
- Monday to Friday 07:30hrs to 18:00hrs  
- Saturday 08:00hrs to 13.00hrs  
- Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction



vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

12. Prior to any demolition, site clearance, levelling or access facilitation works in association with the development hereby approved being carried out, a Tree Protection Plan and arboricultural method statement detailing how works within or that could affect the root protection area of retained trees and hedges will be designed and implemented to avoid causing damage to those trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details for the duration of the construction period.

Reason: To avoid damage to retained trees and hedges, in the interests of the visual amenities of the area.

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area and to ensure the maintenance of open space areas in perpetuity.

14. A habitat management plan shall be submitted to and approved by the local planning authority as part of the Reserved Matters and implemented prior to the occupation of the development. The plan shall include:
- a) Description and evaluation of the features to be managed (to include great crested newts);
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Details of bat and bird boxes
  - g) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - h) Personnel responsible for implementation of the plan;
  - i) Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

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 development shall be carried out in accordance with the approved details and thereafter retained for the

lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Booklet Bats and Lighting in the UK.

Reason: to minimise the disturbance to bats, a European Protected Species.

16. No development or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newt, a European Protected Species

17. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Great Crested Newt Mitigation Strategy CSa/1988/09 dated December 2013 and No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013.

Reason: To ensure the protection of great crested newts and bats, European Protected Species

18. Demolition of 18 Silvermere Park shall not commence until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of bats, a European Protected Species

19. Prior to the first occupation of the dwellings details of the location of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, as recommended in the No. 18 Silvermere Park Bat Survey Report and Mitigation Strategy by CSa dated December 2013 shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in accordance with a schedule which has been approved in writing by the Local Planning Authority.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

20. No development shall take place until details of the design and construction of the access roads into the site, at the point where they would link onto Stone Drive and Lloyd Grove, together with details of the disposal of surface water from these access works and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory accesses into the site, in the interests of highway safety.

21. No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation – WSI) submitted to and approved in writing by the Planning Authority. Findings from the evaluation may determine that additional archaeological mitigation would be necessary and a further programme of archaeological work would then need to be undertaken. The programme of archaeological work shall thereafter be carried out in complete accordance with the approved specification.

Reason: The site has the potential for archaeological interest and to satisfy the requirements of paragraph 141 of the NPPF.

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. 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.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

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

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

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

8. Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles.





<u>Committee and date</u>
South Planning Committee
27 May 2014

<u>Item</u>
<b>11</b>
Public

## Development Management Report

**Responsible Officer:** Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>Application Number:</b> 14/00885/OUT	<b>Parish:</b>	Bishops Castle
<b>Proposal:</b> Outline application for mixed residential development and formation of a vehicular and pedestrian access		
<b>Site Address:</b> Land south of Woodbatch Road, Bishops Castle		
<b>Applicant:</b> Mr J M Jones		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	



**Recommendation:** Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy and an off-site highway improvement.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Outline permission is sought for the erection of 10 dwellings off Woodbatch Road, Bishop's Castle, 2 of which would be affordable, the remainder being for 'open market' sale. The application is in outline, with all matters of detail reserved for subsequent approval. Notwithstanding this, the applicant has provided an indicative layout plan and details of the likely housing types. This shows a new junction off Woodbatch Road with winding internal access road running the length of the site with houses alternately to the east or west, associated landscape areas and a turning area at the end.
- 1.2 The open market plots are proposed to be family sized 2-3 bedroom detached homes which the applicant states would satisfy an identified need in the community. The affordable homes would be semi-detached. Adequate parking would be provided and there would be a garage and good-sized garden area for each property. The applicant states that the illustrative site layout plan demonstrates that the site is capable of accommodating dwellings in a configuration which respects the rural nature of the site and the residential amenities of the occupiers of dwellings on The Ridge and The Novers.

### 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 0.86ha) is located on rising land at the south-western corner of the existing built edge of Bishop's Castle. It comprises a rectangular arable field (193m x 45m oriented north-east to south west) to the immediate west of the existing residential areas of The Novers and The Ridge. It is bounded to the north by Woodbatch Road, to the west by a farm access track (also a right of way) and to the south by the continuation of the arable field. There is a fall of 10m from south west to north east across the site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Chairman of the Planning Committee and the Development Manager in accordance with the Council's adopted Scheme of Delegation.

### 4.0 COMMUNITY REPRESENTATIONS

- 4.1.1 Bishop's Castle Town Council – No comments received.
- 4.1.2 SC Public Protection - Specialist – No objection. In order to make the properties ready for EV charging point installation isolation switches must be connected so



that a vehicle may be charged in the garage or driveway. (an appropriate condition has been included in Appendix 1)

- 4.1.3 SC Affordable Housing: - No objection. Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.
- 4.1.4 SC Conservation (Historic Environment): - No comments received.
- 4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.1.6 SC Highways DC: – No objection in principle subject to the following comments: The indicative layout plan, does not show the access to the east of the site, prior to confirming the access is accepted I would ask that the applicant submits details of the proposed access layout to the east, and shows details of the existing footway being extended and any associated carriageway widening. Funding for a priority arrangement along Kerry Lane/ Woodbatch Road junction should be considered. The indicative layout, the layout shown does not appear to meet adoptable standard, therefore it is recommended that further consideration is given to the proposed layout if a reserve matters application is submitted. The proposed layout should provide a suitable turning head.  
(Note: An updated indicative layout plan seeking to address the above points was submitted on 15<sup>th</sup> May 2014).
- 4.1.7i. SC Ecology: – No objection. This application falls within the catchment of the River Clun SAC. Natural England must be consulted on the application and confirmation that they have no objection received before consent can be granted. A draft Habitat Regulation Assessment matrix has been provided to the planning officer and Natural England. The following conditions and informatives should be attached to any consent.
- ii. Development within the River Clun Catchment: This development is within the water catchment for the River Clun and is upstream of the River Teme SSSI and the River Clun SAC. The River Clun SAC is currently failing its water quality targets and its objectives for the conservation of the freshwater pearl mussel. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. *Guidance Note 12: Development within the River Clun Catchment, September 2013* sets out the approach adopted to developments within the catchment. The Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft in Policy S2.3 states that all developments in the catchment must clearly demonstrate that it will not adversely affect the integrity of the SAC. This issue has not been specifically addressed in the

submitted Ecological Appraisal or the Drainage and Flood Risk Assessment, however the latter does provide the necessary information.

- ii. The Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 states that surface water will be collected for attenuation and storage on site prior to controlled discharge to the water course to the SE of the site at a rate limited to 5 litres per second per hectare. According to Guidance Note 12 for sites more than 10km upstream of the SAC such as this, discharges of less than 5 m<sup>3</sup>/day are regarded as having no likely significant effect. The intention is to discharge foul drainage to the existing sewerage network via a gravity connection (with details to be confirmed). As the Bishop's Castle sewage treatment plant has phosphate stripping any development of less than 10 houses, serviced by the Bishop's Castle works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the Nutrient Management Plan. Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.
- iii. Shropshire Council has considered this application under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). Shropshire Council has concluded that this application as submitted will not have a likely significant effect on the integrity of any European Designated site provided the appropriate conditions are attached to any consent (included in Appendix 1). A Habitat Regulation Assessment matrix has been forwarded to Natural England together with a copy of this memo.
- iv. Bats: Churton Ecology (2013) report that there is no potential for bat roosts in the trees on or near the site. The site hedgerows potentially provide habitat for foraging and commuting bats and link to the riparian corridor which is likely to be favoured. Illumination of the hedgerows should be avoided. A recommended condition is included in appendix 1.
- v. Great crested newt: Churton Ecology (2013) states there is one pond 300m to the north-west of the site but no mapped ponds within 250m. Only the hedgerows appear to be suitable terrestrial habitat but it is unlikely that this species is present on the site due to the overall unsuitability of habitats on and around the site. No development related impact on Great Crested Newt can be reasonably predicted and no further survey or assessment is required.
- vi. Badger: Whilst no setts were located during the Churton Ecology survey, some well-marked trails and latrines were noted in field boundaries. An informative note is recommended.
- vii. Nesting birds: The boundary hedgerows have the potential to support nesting birds. An informative note is recommended.

Public Comments

4.1.10 The application has been advertised in accordance with statutory provisions and the nearest residential properties surrounding the site have been individually notified. Thirty objections have been received. The main issues are as follows:

- i. Traffic: Access from the church along Kerry Lane is narrow and has no footpath in some places. The junction with Corporation Street is also dangerous, and the road is very narrow at the proposed entrance to the development. An increase in traffic along this route can only make things worse and increase the risk of accidents, injury and delay. Access from Kerry Lane to the proposed site on Woodbatch road is mostly if not all single track, due to cars parked on the road because the houses have no parking spaces. Access from Woodbatch road onto Kerry lane has very poor visibility. If you pull out of Woodbatch road onto Kerry lane by car you are nearly half way across the road before you can see clearly to pull out, especially taking a right turn. When you come from Bishops Castle then turn left onto Woodbatch Road there is a Lane, Kerry Green, it runs above Kerry lane. immediately on your left, when cars pull out of here onto Woodbatch road they are half way across before they can see, anything turning off Kerry lane onto Woodbatch road. Coming from proposed site on Woodbatch Road, going round the corner towards Kerry Lane, oncoming vehicles are forced into the middle of the road due to parked vehicles, as before houses have no parking spaces. This proposal, along with potential building sites along Oak Meadow, will increase the traffic flow along Kerry Lane which is already very dangerous in several places. Kerry Lane is a classic example of an ancient track, never designed for motor vehicles and has already been significantly modified to accommodate the relatively modern developments to the West side of Bishops Castle. This narrow lane is barely wide enough for two vehicles to pass in places and it has several blind spots that without significant redesign and costly engineering cannot be improved. The ramp to the park entrance/exit is used by many pedestrians, particularly children, and users already need to exit with extreme care due to the "blind" view of the road to the right. Our own access from Bells Court is also ?blind? due to the slight bend at No.2 Kerry Lane and so exiting in a vehicle is already often difficult and dangerous due to the speed of approaching traffic. Leaving Bells Court on foot, diagonally across Kerry Lane to the safety of the pavement, is often hazardous, made worse by the original planning changes approved by the council at the time when the vehicle/pedestrian access was switched from the Six Bells yard to its existing position. This will only get worse with further traffic flows. Unless the council or a developer is prepared to create a large scale relief road around the edge of town (which would be very difficult and extremely costly), I cannot see how the council can allow further developments in this part of Bishops Castle. Developments always lead to more vehicle movements, which, with the nature of this narrow lane, are likely to lead to more collisions and injuries. Kerry Lane is a single track road, with little or no scope for widening in certain areas due to the land gradient and current housing. The council is currently unable to maintain Kerry Lane in a fit condition, and extra traffic would only exacerbate this problem. Parts of the road are regularly patched up, but the combination of traffic and rainwater runoff ensures that the potholes reappear before long. The junction of Kerry Lane and Woodbatch Road is difficult to negotiate due to the layout and contours of the land,

which force cars from Woodbatch Road to move onto Kerry Lane in order to be able to see traffic coming up. The recently installed mirror does not allow one to see the traffic coming up the hill and so is not only useless but also increases the risk of an accident if drivers rely on it. The problems would be exacerbated by increased traffic and it is unlikely that the council will be able to make the necessary improvements. Woodbatch Road is effectively a single track road in places due to parked cars, which are increasing in number. Parked vehicles also make the junction between The Ridge and Woodbatch Road difficult to negotiate. More homes will mean a huge increase in the amount of traffic to the junction of The Ridge and Woodbatch Road. Near misses happen daily with the present level of traffic. Woodbatch Lane is a single track road, many cars are regularly parked along Woodbatch Road, all the way to the dangerous junction of Kerry Lane. Will there be traffic calming procedures in place, like speed bumps etc? The houses, if only 10 are built, could generate up to 30 more cars with the consequent increase in vehicle movements from these alone. Woodbatch Road and Kerry Lane will not get any wider nor will their junctions with each other get any safer. In particular, unlike the rejected Oak Meadow application all traffic will have to negotiate this difficult and dangerous junction. The road safety issues here are insolvable without the imposition of a serious traffic management plan such as the introduction of a one way system.

- ii. Drainage / Flooding: Woodbatch Road already turns into a river after every substantial rainfall. This problem has increased over the last 5 years, and would need a substantial and expensive infrastructure to prevent major damage to existing as well as new properties. This sort of problem is surely one which we have learned to avoid, this of all years. We are concerned that the issues regarding drainage haven't been fully thought through. Drains already unable to cope with water run off environment agency called when culvert often blocked. Flooding occurs on a regular basis and will affect the application site as it lies at the bottom, bottom being the operative word, of a field which acts as a water catchment area exacerbated by annual up and down ploughing , rather than ploughing along the contours. This means that whatever clever works are carried out to temporarily capture it this water will inevitably be fed much quicker into existing water causes and lead to flooding of existing properties below and beyond the site. I have concerns over the surface water drainage, as the open ditch alongside the boundary and crossing the corner of the development constantly floods during heavy rain. A new development with all its surface water will only increase this problem. I am aware of properties on the Ridge estate suffering from surface water run-off problems from the proposed development site so any developer would need to increase load on open ditch and following culvert to ensure there is no increase in the flood risk to these properties; which in my opinion the open ditch/culvert would not be sufficient, leading to an increase in flooding.
- iii. Site choice / principle: There are much more suitable sites available. There are many fields adjacent to the main roads around Bishop's Castle, would they not be a more sensible place to build new houses? The SAMDev consultation process which is currently being finalised clearly shows that the preferred location for residential developments of this scale should take place on sites to the north west of our town. This would enable easier access to the main trunk road (the A488) and minimise

the volume of additional vehicular traffic having to travel through the town's narrow streets. The proposed development involves the provision of 8 market value houses and 2 affordable houses. There has been little growth in employment opportunities in Bishop's Castle demonstrated by the vacant spaces at the local Business Park. Should there be any demand for the market value houses, the most likely buyers would be people working in more major centres of employment such as Craven Arms, Ludlow and Shrewsbury. It would therefore seem more appropriate to ensure that such housing is made available where there are employment opportunities to minimize the need for people to commute. Given that many of the homes in the residential areas adjacent to the proposed development site are bungalows it would seem that any neighbouring development should also include bungalows and a much larger mix of affordable housing for young people and families in our town. The application is premature as there is other land more suitable for development for housing in Bishops Castle and is relying heavily on the proposition that this is a "windfall" site thereby helping Shropshire Council with their planning difficulties. In fact if granted this development will create more difficulties than it solves in that it will exacerbate existing problems of flooding, sewerage and danger from traffic. The sewerage system, into which the sewerage from this development would run, at the Church Street end of Bishops Castle has always been a problem I am not aware that it has been solved extra sewerage from this development can only lead to further problems. There is a claim in the application that it is only 0.75km away from all of the above mentioned facilities. It is not possible to average this measurement but for example the High Street is nearly 1km away while the Doctors are around 1.25kms. So walking into Bishops Castle will not happen - it does not happen now so why will it change. The development is to be situated on Greenfield site which is outside the development boundary for the area, and could not be considered as infill. There is more suitable land for development of housing with better access, services and infrastructure in Bishops Castle, to meet the current windfall criteria.

- iv. Pressure on services: Bishops Castle is a very small town with very limited resources, there is already pressure on Doctors & Dentists, etc. Bishops Castle has very limited employment prospects most jobs are of minimum wage, so where are these people going to work. Public Transport is very limited & unreliable. Sewerage is already under immense pressure as it is already at full capacity.
- v. Amenity: Living at my address I will be totally overlooked by the new development. The western skyline will be devastated by two story homes, no doubt there will be shrubs and trees, lampposts etc. There is a claim that the residential amenities of the Ridge and The Novers will be respected. This is unrealistic as the site is generally at a higher level particularly so at the southern end where it is considerably higher and where the topography will lead to any development forming part of the skyline totally destroying the rural nature of the site. It will therefore be prominent in the landscape. The planning application is for 10 houses which show the house nearest Woodbatch road will be overlooking our property and, depending on its height, will affect our light with the whole development affecting our privacy. Whilst a household has no right to a view its worth mentioning that the development will affect not only ours and my neighbours views, but will be clearly visible from parts of Bishops castle.



- vi. Other: Concern in relation to the positioning of the site notice. There is a further claim made in the application that the site is surrounded by well-maintained field hedgerows, it is not. The application also claims that there are no legal impediments which would prevent its development 'my information is that either the Applicant or his Agents have not fully considered whether the applicant owns or has control of all necessary rights to gain unimpeded access to the site or lay and make the necessary drainage connections.

## 5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;
- Social impact – residential amenity, public safety, footpath;
- Economic impact;
- Overall level of sustainability of the proposals.

## 6.0 OFFICER APPRAISAL

### 6.1 Policy Context and principle of the development:

6.1.1 Bishops Castle is identified as a Market town and Key Centre in the adopted Core Strategy. Policy S2 of the Pre-Deposit Draft SAMDev site allocations document advises that the town will provide the focus for development in this part of Shropshire, with a housing guideline of around 150 dwellings for the period 2006-2026. New housing development will be delivered through the allocation of a greenfield site (Schoolhouse Lane East - BISH013 – 40 houses) together with a windfall allowance which reflects opportunities within the town's development boundary as shown on the Proposals Map. All development in Bishop's Castle must have regard to the conservation targets for the River Clun catchment as set out in the Nutrient Management Plan and any agreed management strategy for the river catchment.

6.1.2 The proposed site is not allocated in the Pre-Deposit Draft SAMDev and is outside (to the immediate west of) of the development boundary of the town as shown on the relevant SAMDev inset plan. Therefore, the current proposals would not comply with this emerging policy. However, housing land supply in Shropshire has recently fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved policies on housing supply are now out of date and this has implications for future planning decisions. The NPPF states (para 14) that 'where the development plan is absent, silent or relevant policies are out-of-date, (permission should be granted) unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted'.

6.1.3 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or



emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to remain until the SAMDev is adopted. Legal caselaw has established that whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward which developments which might not otherwise succeed when the SAMDev is adopted.

- 6.1.4 The key policy test to apply therefore at this stage is not whether the proposal complies with emerging policy and the parish plan but whether or not it would be so fundamentally flawed that it should not be regarded as sustainable. If a proposal does not comply fully with some individual sections of the NPPF it may still be regarded as sustainable overall. The NPPF advises that there are three dimensions to sustainable development – environmental, social and economic (NPPF 7). In order to assess the sustainability of a proposal it is necessary therefore to evaluate these three dimensions before deciding whether the development can be regarded as sustainable overall. This is having regard to relevant policies and guidance and also to any benefits offered by the proposals.
- 6.1.5 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, amenities, the environment, infrastructure, economy and local community relative to the existing situation and, if so, are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

## 6.2 Environmental Considerations

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. Whilst these concerns are noted it is not considered that the proposed development of up 10 houses in this location 500m from the geographic centre of Bishop's Castle would be likely on its own to add to an unsustainable increase in levels of traffic locally. The Applicant has provided indicative access and layout plans which suggest that a safe access compliant with relevant highway visibility standards is capable of being achieved. The applicant has also agreed to fund the provision of a priority junction where Woodbatch Road meets Kerry Lane 220m east of the site, to ensure a safer arrangement at this important junction. Adequate pedestrian provision exists between the site and the centre of the town which begins 500m to the east. Exact details of the junction and internal access roads would be provided at the reserved matters stage. Highway officers have not objected and it is considered on balance that refusal on highway or access reasons could not be justified at this outline stage. (Structure Plan Policy CS7).
- 6.2.2 Ecology: An ecological survey confirms that this existing agricultural field has limited habitat interest. The Natural Environment section has not objected subject to

the inclusion of appropriate informative notes referring to ecological interests on any decision notice. The site is located in the Clun Catchment, part of which incorporates a Special Area of Conservation (SAC). A Habitat Risk Assessment (included as Appendix 2) concludes that there would not be any adverse impacts on the ecological interests of the SAC if the development was restricted to 9 properties as adequate phosphate stripping capacity is available to deal with any effluent from the development at Bishop's Castle Sewage Treatment Works. The applicant has confirmed on this basis that a condition restricting the development to 9 properties would be acceptable. Landscaping is proposed and would add to overall levels of biodiversity within the site. The proposals therefore comply with Core Strategy Policy CS17.

- 6.2.3 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse due to replacing agricultural field with less permeable surfaces. It is understood that there are some drainage limitations locally along the eastern side of the site adjacent to existing residential property which is at a lower level. The applicant has confirmed that interceptor drains would be provided along this margin in order to remove any water ingress from higher ground and that a similar arrangement would apply on the site's western margin. A sustainable drainage system (SuDs) would be adopted, including the use of features such as permeable surfacing and oversized pipes. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.4 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package/biodisc treatment plant at the site would however exist if a main sewer connection was not possible, subject to a separate planning permission. (Core Strategy Policy CS8, CS18)
- 6.2.5 Visual amenity: The proposed site is located 820m north east of the AONB but would not be directly visible from the AONB due to the presence of an intervening ridge. The ground level varies between 200 and 210m Above Ordnance Datum which higher than the adjacent residential area and the main town but comparable to the elevation of the Castle Green area to the north. The proposals involve

landscape planting and the applicant has agreed to consider specifying bungalows or 1½ height houses given the elevation of the site and the characteristics of adjacent residential development. The level of the development platform for the site and the detailed appearance of the properties would also be important considerations in terms of visual amenity and would be confirmed at the reserved matters stage. It is however considered that a properly designed scheme would be capable of integrating visually with the surrounding landscape / townscape. It is concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)

- 6.2.6 Amenities: Some objectors have expressed concern that the construction period could adversely impact on local residential amenities. A condition requiring submission of a Construction Management Plan has been recommended in recognition of this concern. This would control matters such as hours of working and management of construction traffic. A further concern is that the properties may overlook existing dwellings. Officer inspection of the residential property adjoining the site confirms that a number of these properties are bungalows set down at a lower level and which do not have views across the site from any principal elevations. Two – three properties which adjoin the south-western part of the site (at its highest elevation) are two storey and are afforded some views across the site at present. The proposed properties would be on slightly higher ground and so there is a potential for overlooking in this area. The applicant has however agreed that the properties at the south west end of the site can be restricted to 1½ height maximum. Bungalows may be most appropriate. This would be established at the reserved matters stage. Proposed landscaping would also assist in maintaining privacy between existing and proposed properties. Given the ability to specify appropriately designed and height restricted properties at the reserved matters stage it is not considered that the current proposals would raise any unacceptably adverse privacy issues. Core Strategy Policy CS6.
- 6.2.7 Agricultural land: The site currently comprises agricultural land, some of which may be of best and most versatile quality and protected by the NPPF. However, the area of such land is not great and the site has limitations for modern farming due to the relatively steep slope. It is not considered that an objection on the grounds of effects to agricultural land could be sustained in these circumstances.
- 6.2.8 Archaeology: The application is not accompanied by an archaeological appraisal and formal comments from the Council's natural environment team have not so far been received. However, it is standard practice for sites of this nature on the edge of existing settlements to require some form of desktop archaeological evaluation at the reserved matters stage, supplemented if necessary by field investigations and geophysical survey work. A suitable condition has been recommended in appendix 1 and has been agreed by the applicant. A further update on archaeology will be provided subsequently if appropriate. Core Strategy Policy CS17.
- 6.2.9 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a probable need for

archaeological evaluation at the reserved matters stage has been identified. However, available evidence suggests that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. The outline proposals therefore comply with the environmental sustainability test set out in the NPPF.

### **6.3 Economic sustainability:**

6.3.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. The site is sufficiently far and visually screened from the AONB for there to be no material effect on the enjoyment of the AONB. A public footpath passes to the north of the site but would not be affected by the development. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

### **6.4 Social sustainability:**

6.4.1 The applicant's indicative layout plan indicates that the development would deliver mainly 2-3 bedroom properties of modest size which would be capable of meeting a local need. The details of this would be agreed at the reserved matters stage. The proposals would also bring new people into the community who may potentially contribute to the social vitality of the community.

6.4.3 The proposed site is located close to key community facilities and would be linked to them by an existing footpath network. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals.

6.4.4 The proposals would offer benefits to the occupants of the new properties and the existing local community, including through affordable housing provision and funding to provide a priority junction at the Woodbatch Road / Kerry Lane junction. through delivery of a footpath and pedestrian crossing point. These benefits increase the overall level of sustainability of the scheme. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

## 7.0 CONCLUSION

7.1 The proposal would involve the development of up to 10 dwellings on the existing edge of Bishop's Castle. The site is not being put forward as an allocation in the emerging SAMDev but is in a sustainable location close the centre of Bishop's Castle and associated goods and services. A number of objections have been received from local residents. However, it is considered that these matters can be addressed by appropriate planning conditions. In the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.

7.2 It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver the footpath, pedestrian crossing and affordable housing contribution.

## 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. If 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 intervene 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 three months after the grounds for making 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 1970.

**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.

**10.0 BACKGROUND****Relevant Planning History**

None of relevance to this proposal

Central Government Guidance:

**10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)**

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

**10.2 Core Strategy:**

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:



- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

#### 10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, 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 and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring 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 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, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for*

*equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

- ii. CS13: Economic Development, Enterprise and Employment:  
Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing* Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification*, forestry, green tourism and leisure, *food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.
- v. CS17: Environmental Networks  
*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors*. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and

Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

10.2.3 Supplementary Planning Guidance: Type and affordability of housing (March 2011)

### 10.3 Emerging Planning Guidance

#### 10.3.1 SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
  - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building

- heights and lines, scale, density, plot sizes and local patterns of movement; and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
  - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
  - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Water Management SPD
5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including;
- i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;
  - ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses;
  - iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.
6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design;
7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

1. Residential proposals should be sustainable development that:
  - i. meets the design requirements of relevant Local Plan policies; and
  - ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
  - iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.

Matching the settlement housing guideline:

3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:
  - ii. The likelihood of delivery of the outstanding permissions; and
  - iii. Evidence of community support; and
  - iv. The benefits arising from the development; and
  - v. The presumption in favour of sustainable development.
4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
2. Dwellings to house essential rural workers will be permitted if:-
  - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
  - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,
  - c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable



housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.

3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
  4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
  5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
    - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
    - b. the dwellings are restricted as affordable housing for local people; or,
    - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.
- v. MD7b – General Management of Development in the Countryside  
Further to the considerations set out by Core Strategy Policy CS5:
1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
  2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;
  3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
    - a. Required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
    - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,



- c. There will be no unacceptable impacts on environmental quality and existing residential amenity.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land;

New Strategic Infrastructure:

3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
  - i. Residential and other sensitive neighbouring land uses;
  - ii. Visual amenity;
  - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
  - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
  - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
  - vi. Noise, air quality, dust, odour and vibration;
  - vii. Water quality and resources;
  - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
  - ix. Cumulative impacts.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.....

vii. MD12: The Natural Environment

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
  - i. the special qualities of the Shropshire Hills AONB;

- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

In these circumstances a hierarchy of mitigation then compensation measures will be sought.

- 2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
- 3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

S2: Bishop’s Castle Area

Bishops Castle is identified as a Market town and Key Centre in the adopted Core Strategy. Policy S2 of the Pre-Deposit Draft SAMDev site allocations document advises that the town will provide the focus for development in this part of Shropshire, with a housing guideline of around 150 dwellings for the period 2006-2026. New housing development will be delivered through the allocation of a greenfield site (Schoolhouse Lane East - BISH013 – 40 houses) together with a windfall allowance which reflects opportunities within the town’s development boundary as shown on the Proposals Map. All development in Bishop’s Castle must have regard to the conservation targets for the River Clun catchment as set out in the Nutrient Management Plan and any agreed management strategy for the river catchment.

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 14/00885/OUT and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr Charlotte Barnes (Bishop’s Castle)
Appendices: Appendix 1 – Conditions

## APPENDIX 1

### Legal Agreement

1. Affordable housing contribution;
2. Funding for a priority junction at the intersection between Woodbatch Road and Kerry Lane.

### Planning Conditions

#### STANDARD CONDITIONS:

- 1 The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
  - i. The siting and ground levels of the dwellings;
  - ii. The design and external appearance of the dwellings;
  - iii. Details of the materials, finishes and colours of the dwellings;
  - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES OR PRIOR TO THE OCCUPATION OF THE PROPERTIES:

- 4a. Construction of the development hereby permitted shall not be commenced until details and sizing of the proposed soakaways have been submitted to and approved in writing by the Local Planning Authority.

- b. If non permeable surfacing is used on the driveway and parking area or the driveway slopes toward the highway, the applicant shall submit for approval a drainage system to prevent water flowing onto a public highway.
- c. A contour plan of the finished road levels shall be provided to the local planning authority prior to the commencement of the development. The contour plan shall be accompanied by a confirmation that the design has fulfilled the requirements of Shropshire Council's Interim Guidance for Developers on Surface Water Management (paragraphs 7.10 to 7.12) to ensure that the development site does not contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site to minimise the risk of surface water flooding (4a) and to ensure that no surface water runoff from the new driveway runs onto the highway (4b) and to ensure that any flows from internal road surfaces are managed acceptably on site (4c).

Notes:

- i. *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 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
  - ii. *The applicant should consider employing measures such as the following:*
    - *Swales*
    - *Infiltration basins*
    - *Attenuation ponds*
    - *Water Butts*
    - *Rainwater harvesting system*
    - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
    - *Attenuation*
    - *Greywater recycling system*
    - *Green roofs*
  - iii. *Consent is required from the service provider to connect into the foul main sewer.*
5. The proposed foul water drainage shall be installed in accordance with the Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 prior to the first use of the development hereby approved.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

6. No development shall commence at the site until a Heritage Assessment has been submitted to and approved in writing by the local planning authority in consultation with the Local Planning Authority's Archaeology service. This shall take the form of a desk based assessment accompanied by the results of walk over and a geophysical surveys of the site. If the results of the heritage survey indicate that further survey work is required before the development commences then such works shall be undertaken in accordance with the recommendations of the heritage survey.

Reason: To allow appropriate opportunities for inspecting any archaeological remains present within the site prior to the commencement of the development.

7. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

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

- 8a. Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority.
- b. Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (11b).

9. Existing shrubs and hedges within and around the margins of the site shall be retained and protected from damage for the duration of the construction works. No such shrubs or hedges shall be removed unless this has first been approved in writing by the Local Planning Authority.

Reason: To ensure that the screening and amenity effect of existing shrubs and hedges around the margin of the site is protected in the interests of residential amenities.

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice. The single in-field ash tree has some potential for bat roosts. If this tree will be removed, it should be inspected for bat roosts prior to felling or works.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended); an active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- iii. *Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iv. *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 closefitting 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.*
- v. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*



**CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:**

10. The outline permission hereby approved shall be for a maximum of nine dwellings, as confirmed in the email from Les Stephan Partnership to Shropshire Council dated 15<sup>th</sup> May 2014.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

11. The dwellings hereby permitted shall consist of no more than two floors of living accommodation.

Reason: In order to be in keeping with the character of the existing nearby dwellings and to protect the amenities of neighbouring residents (and in accordance with Policy CS6 of the Shropshire Core Strategy).

12. An independent 32 amp radial circuit isolation switch shall be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket shall comply with BS1363, and shall be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

**Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012**

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative layout and highway matters. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

**Regulation Assessment (HRA) Screening Matrix**

Application name and reference number:

14/00885/OUT

Outline application for mixed residential development and formation of a vehicular and pedestrian access

Proposed Development Land South Of Woodbatch Road, Bishops Castle, Shropshire

Date of completion for the HRA screening matrix:

14<sup>th</sup> April 2014

HRA screening matrix completed by:

Alison Slade  
Planning Ecologist  
Shropshire Council

01743 252578

[alison.slade@shropshire.gov.uk](mailto:alison.slade@shropshire.gov.uk)

**Table 1: Details of project or plan**

Name of plan or project	14/00885/OUT  Outline application for mixed residential development and formation of a vehicular and pedestrian access  Proposed Development Land South Of Woodbatch Road Bishops Castle
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: <ul style="list-style-type: none"> <li>Freshwater pearl mussel <i>Margaritifera margaritifera</i></li> </ul>
Description of the plan or project	The Amended Illustrative Layout Plan Dwg03 Rev A dated Feb 2014 indicates 9 detached dwellings. This is revised from the original proposal for 10 dwellings.  The Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 states that surface water will be collected for attenuation and storage on site prior to controlled discharge to the water course to the SE of the site at a rate limited to 5 litres per second per hectare.  The intention is to discharge foul drainage to the existing sewerage network via a gravity connection (with details to be confirmed).  No effect pathways have been identified resulting from this development as proposed, which would have the potential to impact on the River Clun SAC.
Is the project or plan directly connected with or necessary to the management of the site	No

(provide details)?	
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

### Statement

An interim 'Guidance note for developers on requirements for waste water management for any development in the Clun Catchment' (see attached) has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

### CONNECTION TO MAINS SEWAGE TREATMENT WORKS

It is proposed that the development will connect to Bishops Castle Sewage Treatment Works.

According to the Interim Guidance Note:

4.2 The two largest treatment plants within the catchment, Bishop's Castle and Bucknell, currently have phosphate stripping and in terms of individual houses make the smallest contribution to the phosphate in the river of all works. They both have potential catchment transfer schemes that would remove any impact they have within the catchment. Further if catchment transfer is not possible then both will be able to be fitted with a more rigorous phosphate treatment if required within the next two rounds of the Five Year Asset Management Planning (AMP) process. **Any development of less than 10 houses, serviced by these two treatment works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the NMP.** In the interim period, development connecting to mains sewer leading to Bucknell or Bishop's Castle sewage treatment works can be put forward for a planning decision. **Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.**

The amended proposals consist of 9 dwellings. In view of the above, and providing the development is carried out according to the details submitted, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development.

In view of the above, and providing the development is carried out according to the details submitted and the following conditions are attached to any decision notice, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

### Conditions:

1. The proposed foul water drainage shall be installed in accordance with the Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 prior to the first use of the development hereby approved.

**Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.**

2. The outline permission hereby approved is for a maximum of nine dwellings.

**Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.**

**The Significance test**

It was concluded that the proposed works in application No 14/00885/OUT:

Outline application for mixed residential development and formation of a vehicular and pedestrian access at Proposed Development Land South Of Woodbatch Road Bishops Castle

Will not have a likely significant effect on the River Clun SAC (give reason). An Appropriate Assessment is not required.

**The Integrity test**

It was concluded that the proposed works in application No 14/00885/OUT:

Outline application for mixed residential development and formation of a vehicular and pedestrian access at Proposed Development Land South Of Woodbatch Road Bishops Castle

Will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing waste water from the development is treated as conditioned and detailed in the submitted documents.

**Conclusions**

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

**Guidance on completing the HRA Screening Matrix**

**The Habitat Regulation Assessment process**

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

#### **Habitat Regulation Assessment Outcomes**

**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.**

#### **Duty of the Local Planning Authority**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

This page is intentionally left blank





Committee and date  
 South Planning Committee  
 27 May 2014

Item  
**12**  
 Public

## Development Management Report

### SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 27<sup>th</sup> May 2014

<b>LPA reference</b>	13/04207/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	K Pemberton
<b>Proposal</b>	Erection of detached garage and store with ancillary accommodation above
<b>Location</b>	96 Damson Lane Weston Heath Shifnal TF11 8RU
<b>Date of appeal</b>	10.03.2014
<b>Appeal method</b>	Written reps
<b>Date site visit</b>	04.04.2014
<b>Date of appeal decision</b>	17.04.2014
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 4 April 2014

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 April 2014

---

**Appeal Ref: APP/L3245/D/14/2214826**

**Oaklea, 96 Damson Lane, Weston Heath, Shifnal, Shropshire, TF11 8RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Pemberton against the decision of Shropshire Council.
  - The application Ref 13/04207/FUL, dated 16 October 2013, was refused by notice dated 13 December 2013.
  - The development proposed is a garage and store with ancillary accommodation above.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a garage and store with ancillary accommodation above at Oaklea, 96 Damson Lane, Weston Heath, Shifnal, Shropshire, TF11 8RU in accordance with the terms of the application Ref 13/04207/FUL, dated 16 October 2013, subject to the conditions set out in the attached Schedule.

### Main issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding countryside.

### Reasons

3. The appeal property lies in open countryside characterised by sporadic development where local and national policies are generally inimical to new development, other than in defined circumstances.
4. However, the Council granted planning permission on 13 September 2013 for '*The erection of a detached garage and store with ancillary accommodation above*'. The two-storey building was to be sited roughly midway along the relatively long curtilage of the appeal property. The extant planning permission is a weighty material consideration in the determination of this appeal.
5. I am given to understand that the plans of the building before me are identical to those granted planning permission last year, siting excepted. The appellant ostensibly proposes re-siting the building almost at the end of the garden on part of a lawn currently occupied by children's play equipment and other garden furniture.
6. The Council asserts that the proposed building does not demonstrate an appropriate level of subservience to the main dwelling for its intended use due to the increased separation distance between them resulting in a disassociated

relationship, and would result in it being more prominent within the surrounding countryside as an isolated and disassociated building.

7. Neither of the two main parties has provided a full explanation as to the '*intended use*' of the residential accommodation. However, I have been made aware that a condition in the following terms was imposed on the previous planning permission:  
  
*'The development hereby permitted shall only be used as an integral part and incidental to the enjoyment of the existing dwelling and shall not at any time be sold, let or occupied as a separate unit of residential accommodation.'*
8. However, the appellant in his grounds of appeal says that "*for the avoidance of doubt the living accommodation in the first floor annex is self contained, is not reliant on facilities in the main house and has been accepted as such.*"
9. The appellant's point is understandable since the floor plans of the approved residential accommodation include space for a bedroom, bathroom including shower, a lounge/diner and a sizeable kitchen area. Taken together, the space and the facilities on the first floor appear capable of providing an independent residential unit, but notwithstanding the appellant's point, the permission is regulated by a condition as to the required incidental nature of its proposed use.
10. The residential accommodation and the proposed garaging, used for their designed purposes, would entail a slightly longer walk from the main house than would be the case with the approved scheme, insufficient to make a material difference.
11. In these circumstances, I find that the Council's linkage between subservience and intended use has not been adequately explained or justified.
12. As to the effect on the surrounding countryside, I note that the approved building was sited close to the main vehicular entrance to the house from Damson Lane, from where it would be exposed to view from the highway.
13. A tall, luxuriant hedge would substantially screen much of the building on the site currently proposed, making it less conspicuous than the approved scheme. Judged purely in terms of its impact on the surrounding area, the current scheme, on balance, has less of a visual impact than that already approved.
14. I conclude that the revised siting of the building originally approved by the Council on 13 September 2013 under Ref 13/02843/FUL would have less of a visual impact and therefore no greater effect on the character and appearance of the countryside than the approved scheme. Accordingly, no conflict arises with those provisions of policy CS6 of Shropshire Council's Adopted Core Strategy designed to protect the natural and built environment.

### **Clarification**

15. The officer report on the original application says that it was treated as '*...an amendment to planning permission ref: 13/02843/FUL granted on 13<sup>th</sup> September 2013.*' But the description of the proposed development in both the application form and decision notice make no reference to '*an amendment*' but indicate clearly that permission is sought for a '*garage and store with ancillary accommodation above*'.

16. Accordingly, if this appeal were allowed in the terms described by the appellant in the application, a second, fresh permission would come into existence, and two schemes would be physically and lawfully capable of being built unless a relevant mechanism was in place to clarify matters.
17. In this light the parties were contacted following my visit and the appellant has since confirmed that what was sought was a re-siting of the previously approved scheme. In these circumstances, I am satisfied that the imposition of an appropriate condition would obviate any doubt as to the precise nature of the permission granted as a result of this appeal.

### **Conditions**

18. The Council suggests, in effect, the imposition of the same conditions as those imposed on the previous permission. I shall do so, with minor variations, for the same reasons as provided by the Council. An additional condition is imposed for the avoidance of doubt as to the nature of the permission hereby granted.

### **Other matters**

19. The Parish Council has no objection to the proposal but a local resident has raised doubt as to the appellant's intentions. Any proposal to change the nature of the approved scheme would need a fresh planning application, the merits of which would be considered at that time, should one be pursued.
20. The new national *Planning Practice Guidance* has been published recently, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.
21. All other representations have been taken into account but none are of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall consist of those described in the original planning application form.
3. The development hereby permitted shall only be used as an integral part and incidental to the enjoyment of the existing dwelling at Oaklea, 96 Damson Lane, Weston Heath, Shifnal and shall not at any time be sold, let or occupied as a separate unit of residential accommodation.
4. The garage and store at ground floor level hereby approved shall not be used for any purpose other than those incidental to the enjoyment of Oaklea, 96 Damson Lane, Weston Heath, Shifnal and for the

accommodation of private cars only, and not for the accommodation of commercial vehicles, for business use or for living accommodation.

5. The permission subject of this decision relates solely to the re-siting of the development previously permitted under the terms of planning permission Ref 13/02843/FUL granted by the Council on 12 September 2013.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1949/1a & 1949/2.