



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

Date: Monday, 16 June 2014

Committee:
South Planning Committee

Date: Tuesday, 24 June 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

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

Substitute Members of the Committee

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

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 252738
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 14)

To confirm the minutes of the South Planning Committee meeting held on 27 May 2014

Contact Linda Jeavons (01743) 252738.

3 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.

4 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.

5 Application to Register Land known as Patshull Green, Albrighton as a Village Green (Pages 15 - 22)

6 McKeand Smith & Co Ltd, Station Road, Albrighton, Wolverhampton, WV7 3EA (13/00097/FUL) (Pages 23 - 50)

Change of use from B1 to C3 (dwelling houses); Demolition of outbuildings and office block; Conversion of existing workshop buildings to form 2 no. two-bed dwellings; Erection of 4 no. three-bed dwellings, 1 no. two-bed dwelling and 1 no. two-bed flat above garaging; Access improvements; Parking provision; Outside waste storage. (Amended Description).

7 Land At Mardol House, King Street, Much Wenlock, Shropshire, TF13 6BL (13/00143/FUL) (Pages 51 - 68)

Erection of one detached dwelling and erection of two bay detached garage. Creation of new vehicular access.

8 Criddon Hall Farm, Criddon, Upton Cressett, Bridgnorth, WV16 6UJ (13/01983/FUL) (Pages 69 - 74)

9 Proposed Residential Development South Of A49, Ludlow (13/03862/OUT) (Pages 75 - 116)

Outline application for residential development (up to 215 dwellings); public open space; highways works; access roads and pedestrian footbridges; and a Neighbourhood Store (Class A1 Retail) not exceeding 300 sq.m internal floorspace, associated engineering and accommodation works.

10 Land South Of A464, Shifnal, Shropshire (13/04840/FUL) (Pages 117 - 164)

Mixed residential development of 66 dwellings and garages

11 The Habit, 30 East Castle Street, Bridgnorth, Shropshire, WV16 4AN (13/04956/FUL) (Pages 165 - 180)

Erection of one dwelling and formation of access.

12 Corfton Farm, Corfton, Craven Arms, Shropshire, SY7 9DD (14/00784/EIA) (Pages 181 - 218)

Construction of four poultry sheds and feed bins, ancillary works, amendments to existing vehicular access, erection of biomass building and associated landscaping.

13 The Leasowes, Sandford Avenue, Church Stretton, Shropshire, SY6 7AE (14/01173/OUT) (Pages 219 - 252)

Outline planning consent for residential development (up to 52 dwellings) to include access.

14 Land Off Oldbury Road, Bridgnorth, Shropshire (14/01016/OUT) (Pages 253 - 274)

Outline application (access for approval) for mixed residential development.

15 Schedule of Appeals and Appeal Decisions (Pages 275 - 290)

16 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, 22 July 2014 in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

24 June 2014

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 27 May 2014

2.03 - 4.34 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 252738

Present

Councillors Andy Boddington, David Evans, Richard Huffer, John Hurst-Knight, Madge Shinton, Stuart West, Tina Woodward, Gwilym Butler (Substitute) (substitute for Cecilia Motley), Heather Kidd (Substitute) (substitute for Nigel Hartin) and David Turner (Substitute) (substitute for Robert Tindall)

1 Election of Chairman

RESOLVED:

That Councillor Stuart West be elected Chairman of the South Planning Committee for the ensuing municipal year.

2 Apologies for Absence

Apologies for absence were received from Councillors Nigel Hartin (Substitute: Heather Kidd), Cecilia Motley (Substitute: Gwilym Butler), William Parr and Robert Tindall (Substitute: David Turner).

3 Appointment of Vice-Chairman

That Councillor David Evans be appointed Vice-Chairman of the South Planning Committee for the ensuing municipal year.

4 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 29 April 2014, be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions.

6 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.

7 Land off Corvedale Road, Craven Arms, Shropshire, SY7 9BT (13/01633/OUT)

The Principal Planner introduced the application and explained that the application was for outline permission with all matters reserved except for access. He 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, archaeological features and an amended indicative layout and explained that the built development would avoid linear archaeological features within the site.

The Principal Planner confirmed that no outstanding objections had been received from highways, drainage, policy, rights of way and archaeology. Ecology had initially objected and had requested a prior bat survey; however, the applicant had confirmed that no mature trees would be affected and an Arboricultural Method Statement would apply so this matter would be dealt with by a pre-commencement condition. Similarly, a holding objection from Shropshire Council Tree Officers was capable of being dealt with at the reserved matters stage given that the indicative layout had confirmed the avoidance of mature trees. Craven Arms Town Council had raised objections given that the site was Greenfield and was viewed as an important historic/leisure area by the general public which should be protected and they considered that the proposed development would not be seen as an enhancement to the gateway of Craven Arms but an extension of Halford which would impact on the rural nature of that countryside.

With reference to policy, the Principal Planner explained that the site had not been identified for development in the emerging Site Allocations and Management Development (SAMDev) plan. However, in the current sub-five year housing supply situation the National Planning Policy Framework (NPPF) required sustainable development to be approved and the proposal in relation to the sustainability tests identified by the NPPF had been assessed and detailed in the Officer's report. The site was within 200m of the existing built edge of Craven Arms which had been identified as a Key Centre in Policy CS3 of the Core Strategy. Hence, in terms of general location and proximity to services the site was considered to be sustainable. In terms of environmental sustainability, it had been concluded that there would be no unacceptably adverse impacts when available mitigation measures were taken into account, including recommended conditions. With respect to the Area of Outstanding Natural Beauty (AONB) it had been considered that there would be a very limited impact which would be outweighed by the national need for housing and the associated economic and social benefits recognised by the NPPF. In terms of housing type, it was considered that there was a general shortage of this type of housing within the town's housing mix. Accordingly, it had been concluded, that whilst the site was not allocated in the emerging SAMDev it met relevant sustainability tests and there would be no unacceptable adverse impacts.

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 David Evans, 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 commented that the site had been put forward and withdrawn during the SAMDev process and had never been proposed as a development site. There was much archaeological history associated with the area and it formed part of the AONB. The proposed houses would be very close to the River Onny and would constitute overdevelopment of the area. There was no mains sewer in the area, the mains water that fed Craven Arms and the surrounding villages ran between the B4368 and the edge of the site, and Severn Trent had experienced many problems in this area. The B4368 was a very fast road and the entrance to the site sat just under the brow of the hill on the Corvedale Road. The development would be unsustainable and would have a detrimental impact on the landscape (particularly with the close proximity of Stokesay Castle, Norton Camp and three Rights of Way) and amenity of the area. He urged refusal of the proposal.

Councillor R Conway, representing Craven Arms Town 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:

- This was a speculative application which was unacceptable;
- There was no demand for houses of this size and affordable houses were needed;
- Other sites in the Craven Arms area for up to 250 homes had been identified;
- The development would impact on the eastern approach to Craven Arms and the gateway to the area should be from the western side of the river;
- The development would be very close to the River Onny and no other development has been permitted so close and accordingly the proposal would adversely impact on the ecology, wildlife, trees and hedgerows;
- The proposal would be contrary to paragraph 116 of the NPPF by virtue of its impact on the landscape and encroachment on the AONB; and
- The Town Council had a vision for the future of the area and urged refusal.

Mr S Taylor, 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:

- There would be little impact on the surrounding area, Planning Officers were recommending approval, the scheme had been amended and reduced, and some trees would be retained;
- The footpath on the eastern side of the site would be reinstated and routes along the Corvedale Road to the Discovery Centre would be enhanced to provide an improved walking route; and
- The proposal would provide higher value housing which would promote the economic development of the town.

Members noted the additional information received from Shropshire Council's Historic Environment Officers as detailed in the Schedule of Additional Letters circulated prior to the meeting.

In the ensuing debate Members noted that the site had not been put forward as a preferred site for development; land for 350 houses had been identified elsewhere; the access to the site would join a busy and fast stretch of road and be close to the brow of a hill; and acknowledged the concerns relating to drainage. They further commented that this was a speculative application and not driven by the needs of the town and Craven Arms Town Council had at no point been consulted. They particularly noted that the site was partially located within the Shropshire Hills AONB and commented that the development would severely impact on what was the gateway to the area; the building of houses would significantly impact on the rural nature and openness and would urbanise a rural area; and paragraph 115 of the NPPF suggested that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

In response to questions and comments from Members, the Planning Officer reiterated that the site had been put forward at the Preferred Options stage of the SAMDev process but had subsequently been withdrawn following the objections of Craven Arms Town Council. The Solicitor clarified that paragraph 116 of the NPPF suggested that planning permission should be refused for major developments in designated areas, ie Areas of Outstanding Natural Beauty, except in exceptional circumstances but clarified that this proposal could not be considered as being a major development, but confirmed that paragraph 115 of the NPPF was applicable.

RESOLVED:

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

- The proposed development would have an adverse impact on the character and appearance of the landscape and the Area of Outstanding Natural Beauty and in particular the approach to the eastern side of Craven Arms. Accordingly it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits and the proposal is considered contrary to Shropshire Core Strategy Policies CS5, CS6 and CS17 and paragraph 115 of the National Planning Policy Framework.

8 Former Primary School Site Caynam Shropshire (13/03834/OUT)

The Principal Planner introduced the application and explained that the application was for outline permission with all matters reserved and would be subject to an affordable housing payment and CIL contribution in line with Shropshire Council policies. He 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 and explained that a previous application for six dwellings on this site had been refused on the basis that the site was not within a proposed hub or cluster. This current application had initially been submitted for six dwellings but had subsequently been amended to four and the land had previously been leased to provide a playing field for the village school which had since merged and moved to a new site outside Caynam in 2011.

The Principal Planner confirmed that no objections had been received from ecology (subject to safeguards), Rights of Way (subject to protection of the footpath) and Highways Development Control. Caynham Parish Council had objected on the basis that the site was classed as countryside, had no allocation for market housing, there were no economic diversification reasons for development and would like the site to remain as open amenity/recreational land.

With reference to policy, the Principal Planner explained that Caynham did not form part of an identified community hub or cluster, there were no community facilities other than a village hall and limited bus services, and in the current sub five year housing supply situation the NPPF required sustainable housing proposals to be approved.

With reference to environmental effects, the Principal Planner explained that the indicative design and density was considered to be in keeping with adjoining housing. The site lay within the built curtilage of the village and there had been no highway, ecology or drainage objections. A public footpath would not be affected.

The Principal Planner further explained that it was considered that the loss of the playing field would have an adverse impact on the area. However, the site was in private ownership and there would be no public funds available to purchase the land for continued recreational use. Sport England had raised no objections. The applicant had offered the Parish Council a lease on land adjacent to the former school for the provision of car parking for the village hall and possible space for a play area to the rear of the school, conditional upon support for the proposal, but this had been rejected.

In conclusion, the Principal Planner explained that the site would increase market housing in a rural settlement and would provide financial benefits to the local community and affordable housing in the wider area. There had been no attempts to secure the future of the play area and reduced weight could be given to this factor as it was in private ownership with no available resources available for purchase and maintenance. Recent housing appeals would suggest that a refusal on the grounds that the proposal was contrary to Development Plan housing policy would be unlikely to be sustained upon appeal. Accordingly, it had been concluded that residential development on this site would be sustainable in accordance with the NPPF.

The Principal Planner drew Members' attention to the Schedule of Additional Letters, circulated prior to the meeting, which detailed further comments from the agent and which indicated that the applicant had reiterated a willingness to offer the adjacent land (the subject of a planning application also to be considered at this meeting [13/03835/OUT]) to the Parish Council for use for parking for the village hall and potentially for a play area on a long-term peppercorn rent basis if the current application was to be approved and not to appeal against any refusal of that application. Planning Officers were recommending refusal of the subsequent application and it was considered that this provision would add to the level of community benefit and overall sustainability being offered as part of the current proposals. Without prejudice, if the subsequent application [13/03855/OUT] was refused and the current application was approved it was requested that officers be

given delegated authority to add an appropriate legal clause securing this voluntary provision.

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 Richard Huffer, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. He welcomed the recommendation to refuse planning application 13/03835/OUT and urged refusal of this application. He expressed concerns relating to highway safety, the narrowness of the private access and minimal vehicle turning facilities. He had objected to the closure of the school which had had a negative impact on the structure of the village and commented that this was the last piece of amenity land which could be made available to the community for recreational/leisure use.

Mr P Chester, 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 not be sustainable and contrary to the NPPF;
- Local Planning Authorities must apply sustainability on a case-by-case basis;
- Finance had always been available to purchase the land for community use;
- The proposal would be contrary to Core Strategies CS5, CS8, CS17; and
- SAMDev would become the over-reaching policy from July onwards.

Councillor Mrs B Ashford, representing Caynham 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:

- There had been many objections from local residents and the Parish Council had unanimously objected to this application;
- SAMDev was now at an advanced stage and should be taken into account;
- Caynham was in the countryside and was not a settlement where additional housing for sale on the open market was considered to be appropriate or sustainable;
- More appropriate for development to take place in Clee Hill;
- Caynham Parish Council had been consulted and contributed to Shropshire Council policies; and
- The proposal would not be sustainable and would be contrary to the NPPF

Mr J Needham, 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:

- No objections had been raised from technical consultees relating to drainage, ecology and highways, and Rights of Way had raised no objections subject to the footpath being legally diverted;
- No comments had been received from Sport England and Shropshire Council Archaeology Officers, and Shropshire Wildlife Trust had raised no objections;
- The proposal would result in affordable housing and CIL contributions;

- He expressed agreement with the refusal reason of the original planning application but commented that Shropshire Council could not currently demonstrate a five year land supply; and
- He drew Members' attention to the applicant's offer to make the land adjoining the school available on a 25 year lease.

In the ensuing debate Members commented that the proposal would not be sustainable, the dwellings and gardens proposed were too big, and would provide no economic benefits to the area. They expressed concerns relating to the narrow access road and minimal turning head facilities, and the negative impact the proposal would have on the ecology rich hedgerows. They further noted the minimal community facilities and the limited bus service. They acknowledged that the area had not been designated as a community hub or cluster and noted that nearby Clee Hill had been designated as a hub where land had been allocated for development in the SAMDev process.

RESOLVED:

That, contrary to the Planning Officer's recommendation, planning permission be refused because the proposed development is not considered to be sustainable because of the lack of and distance to and from services. Accordingly, it is considered that the lack of sustainability outweighs the need for new housing in the area and is considered to be contrary to the Shropshire Core Strategy Policies CS1, CS4 and CS5.

9 Former Primary School Site, Caynham, Shropshire (13/03835/OUT)

The Principal Planner introduced the application and explained that the application was for outline permission with all matters reserved. He 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. He confirmed that no objections had been received from ecology and highways (subject to conditions), and drew Members' attention to the objections raised by Shropshire Council Conservation Officers, Caynham Parish Council and local residents.

With reference to policy, the Principal Planner reiterated that Caynham did not form part of an identified community hub or cluster, and the current sub five year housing supply situation applied. He confirmed that no objections had been raised by highways or ecology. However, it was considered that there would be an unacceptable impact on the listed school building which formed part of the social and cultural history of the village, due to the proximity of the proposed plots to this building. As a result, the proposal would be contrary to Part 12 of the NPPF and policy CS17 of the Core Strategy. A footpath diversion would also be required to accommodate the development and careful siting would be required to preserve residential amenities of adjoining properties.

The Principal Planner explained that the car park which previously served a useful purpose for the school and the village hall had been closed and objections had been made to the loss of this facility which Core Strategy Policy CS8 aimed to protect. The

car park could be important to the viability and future of the village hall and this would be a material consideration, but ultimately it would have to be brought into public ownership to be opened up again.

In conclusion, the Principal Planner explained that the site was located in a village where no further residential development had been advocated but Shropshire Council did not have the minimum five year land supply so the presumption in favour of sustainable residential development applied. The development would be located in the vicinity of existing residential properties and would not be prominent or impact adversely on drainage, highways or ecology. It would however lead to a cramped form of development in very close proximity to a Listed Building. In particular, the recently converted listed school building had no rear curtilage and the dwelling proposed on plot 1 would greatly detract from the setting and amenity of the listed building. This impact was considered sufficient to outweigh the benefits of the proposal and accordingly, refusal was being recommended.

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 Richard Huffer, as the local Ward Councillor, took no part in the debate and did not vote on this item.

RESOLVED:

That planning permission be refused as per the Officer's recommendation.

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

The Principal Planner introduced the application and explained that the application had been deferred at the previous meeting in order that a schematic plan and details on how the drainage from the development would work and be managed to a satisfactory standard could be provided. He drew Members' attention to two additional neighbour comments relating to concerns regarding drainage and the Schedule of Additional Letters circulated prior to the meeting which detailed an amended recommendation as a consequence of the Highways Agency raising no objections to the proposal. He confirmed Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, indicative layout and SAMDev allocation area.

A schematic plan and drainage technical note outlining the measures proposed to the Silvermere and the surface water drainage strategy for the proposed development area had been provided by the applicant and had been circulated to all Members prior to the meeting.

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 Stuart West, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. He drew Members' attention to the history of the issues relating to flooding and drainage in the area and reiterated his concerns in this regard.

(At this juncture, the Vice Chairman took the Chair.)

The Floods and Water Manager summarised and provided clarification on the drainage and disposal of water and he considered that as a result of this development a betterment to the existing situation would be achieved. In conclusion, he confirmed that Shropshire Council would continue to investigate the problems associated with drainage and flooding in the area.

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 provided an overview and history of the culvert and continued to express his concerns with regard to drainage and flooding; and
- There were two riparian owners (Shropshire Council and one householder) and these riparian owners had a duty of care to maintain the culvert and should investigate and repair when necessary.

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

- At the last meeting it had been noted that the site would be suitable for development and the proposal was deferred for further information relating to drainage and this had now been provided; and
- The development would not contribute towards any flood risk.

In the ensuing debate, Members noted the comments and concerns of all speakers and the majority of Members supported the proposal.

RESOLVED:

That planning permission be granted as a departure and as per the amended Officer's recommendation as set out in the Schedule of Additional Letters, subject to:

- 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;
- Maintenance of the town park/open space by an appropriate body; and
- The conditions as set out in Appendix 1 to the report, subject to Condition No. 1 being amended to read as follows:

"Reason: The application is an outline application under the provisions of Article 2(1) of the Town and Country Planning (Development Management Procedure) Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

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

11 Land south of Woodbatch Road, Bishops Castle (14/00885/OUT)

The Principal Planner introduced the application for outline permission with all matters reserved. He 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, access and amended layout. He confirmed that two of the dwellings would be affordable with the remainder being for open market sale and the number of proposed dwellings had been reduced to nine dwellings to meet ecological requirements linked to the Clun catchment. He drew Members' attention to the objections which had been addressed in the report and explained that, in addition to an affordable housing contribution, a financial contribution from the applicant would fund a priority junction arrangement at the Kerry Lane/Woodbatch Road junction.

With reference to policy, the Principal Planner explained that Bishops Castle had been identified as a market town and Key Centre in the adopted Core Strategy and new housing would be developed through a combination of one allocated site (40 houses) and a windfall allowance. The proposed site had not been allocated in the Pre-Deposit Draft SAMDev Plan and was outside (to the immediate west of) the development boundary of the town. However, in the current sub-five year housing supply situation the NPPF required sustainable development to be approved.

The Principal Planner explained that the site was immediately adjacent to the existing built edge of Bishops Castle and within 500m of the geographic centre. Therefore, the general location was considered to be sustainable. In terms of traffic, Highway Officers had determined that a highway refusal could not be sustained and the applicant's offer to fund signage for a priority junction at the Kerry Lane/Woodbatch Road intersection would be welcomed. No objections had been received from Land Drainage Officers and interceptor ditches would be placed on the western and eastern boundaries and would help to address problems encountered by residents of the Novers to the immediate east. Mains sewerage had been proposed and a biodisc plant would provide an appropriate back-up plan. The site would not be visible from the AONB; however, because of its relatively elevated location the applicant had agreed, in principle, to specify less tall 1½ storey houses or bungalows and landscaping to integrate the site with its surroundings.

In conclusion, the Principal Planner drew Members' attention to the NPPF which stated that there was a national need for housing and emphasised the associated economic and social benefits. The type of housing would be capable of meeting a local need and it had therefore been concluded that, whilst the site was not allocated in the emerging SAMDev, it met relevant sustainability tests and there would be no unacceptable adverse impacts when available mitigation measures and conditions were taken into account. The proposal was therefore recommended for approval subject to the required affordable housing contribution.

Members noted the additional information detailed in the Schedule of Additional Letters which had been circulated prior to the meeting and detailed further comments from Bishops Castle Town Council, comments and an additional condition from

Shropshire Council Highways, and a further objection from a local resident relating to flooding.

Mr J Percy, 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 lived adjacent to the proposed development in the south-eastern section and had done so for 13 years and he, along with other residents, had constantly suffered from run-off water every year. He had experienced flooding underneath his property, which caused soil erosion;
- He had dug trenches to divert the water into a stream and this had alleviated but not solved the problem;
- The volume of water had not been factored into the developers Flood Risk Assessment (FRA); and
- In winter the land was waterlogged and the FRA should be based on winter conditions.

Councillor S Harris, representing Bishops Castle Town 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;

- There was a need for starter homes in the area;
- The site fell outside the development boundary and adjacent to the AONB;
- 40 homes had already been agreed and included in SAMDev proposals;
- There had been a high number of objections;
- The highway network would not be able to accommodate the additional traffic that would be generated by this development;
- The proposed junction arrangements would require the use of land belonging to a private resident who had not been approached or expressed agreement to the proposal;
- He expressed concerns with regard to water run-off; and
- The Town Council was concerned that this would open up the door to build on other Greenfield sites.

Mr S Taylor, 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;

- Planning Officers had confirmed that all technical issues had been addressed;
- This development would provide an opportunity to solve the water run-off problems;
- The proposal was for outline and the form of development could be controlled by conditions;
- The number of houses proposed had been reduced to nine;
- An upgrade and contribution to the access and road network had been proposed; and
- This proposal would contribute to the shortfall of housing in Shropshire.

In response to comments from Members, the agent explained that the upgrades to the junction at Woodbatch Road and Kerry Lane had been agreed following discussions with the Planning and Highway Officers and no consultation had been undertaken in this regard with Bishops Castle Town Council.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Charlotte Barnes, as local Member, participated in the discussion and spoke against the proposal but did not vote. She expressed some concerns that Bishops Castle Town Council had not been consulted on the proposed junction arrangements and also that the landowner of the land required to improve the access had not been approached or agreed to such a proposition. She also expressed concerns with regard to the high volume of traffic using the road network especially during peak times, ie school drop-off and pick-up times, and flooding. She commented that local people would not be able to afford these homes; the proposal would impact on the character of the area and move the main focus to the side of the town; a more preferred location for residential development would be on the north western side; and, given the elevation of the site, any dwelling would adversely impact on the landscape.

In the ensuing debate, Members acknowledged the hard work of Bishops Castle Town Council and the local Member in identifying alternative sites for development and expressed serious concerns with regard to the drainage and particularly the access and highway arrangements. A Member commented and expressed her dismay that very little contact or consultation had been undertaken with the Town Council and local Member and suggested that, in future, contact between Highway Development Control Officers, the local Town and Parish Councils and the local Member should be vastly improved not just for this application but generally. Also, the local Member should also be involved and kept informed of any accidents or other major developments affecting the highway network in their respective areas outside of the planning process.

RESOLVED:

That this application be deferred in order for the applicant to review the impact and effect of the proposed development on the local road network and Conservation Area and review impact and effect re drainage and consult on and put forward mitigation measures identified as necessary.

12 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 27 May 2014 be noted.

13 Date of the Next Meeting

It was noted 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.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

24 June 2014

Item

5

Public

APPLICATION TO REGISTER LAND KNOWN AS PATSHULL GREEN, ALBRIGHTON AS A VILLAGE GREEN

Responsible Officer Claire Porter, Corporate Head of Legal and Democratic Services
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1. Summary

This report relates to an application made under section 15(2) of the Commons Act 2006, to register land known as Patshull Green, Albrighton as a village green ("the Application").

2. Recommendations

That the Application for the land shown edged red on the plan attached to the Application to be a village green should be rejected for the reasons set out in this report.

Report

3. Background

Introduction

- 3.1 This report concerns an application for the registration of land adjacent to the junction of Patshull Road and Cross Road, Albrighton as a village green under section 15(2) of the Commons Act 2006 ("the 2006 Act") which was deferred by members at the meeting on 4 February for officers to determine ownership of the land and to obtain further evidence of the use of the land.

The Application

- 3.2 The Council, as Commons Registration Authority, received an application on 18 February 2011, (reference number VG(A)90), from Albrighton Parish Council for an area of land in Albrighton, known as Patshull Green, to be registered as a village green under section 15(2) of the 2006 Act

The Law

- 3.3 The relevant parts of section 15 state:
- (1) *Any person may apply to the commons registration authority to register land to which this part applies as a town or village green in a case where subsection (2), (3) or (4) applies.*
 - (2) *This subsection applies where-*
 - (a) *a significant number of inhabitants of any locality, or neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and*
 - (b) *they continue to do so at the time of the application.*

Preliminary Consideration of the Application

- 3.4 Under regulation 5(4) of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (“the 2007 Regulations”) an application may be deemed to be ‘not duly made’ if it is evident from a preliminary consideration of the application that it is inherently flawed due to procedural requirements not being met or due to it ‘being bound to fail on the basis of the application itself, irrespective of any evidence objectors or other persons may subsequently adduce’.
- 3.5 With regard to the current Application the procedural requirements have been complied with. Whilst the current application included insufficient evidence of the nature or period of this use by inhabitants of Albrighton it could not be said that it was ‘bound to fail’.
- 3.6 In accordance with regulation 5(4) and DEFRA guidance the applicant was asked to provide further evidence in support of the Application. However from the further evidence received it could not be not be said that the Application was bound to fail and it was therefore deemed to be duly made.

- 3.7 The Application was advertised in accordance with the 2007 Regulations and no objections were received.

Consideration of Application

- 3.8 The main issue that the Application raises is whether it should be rejected on the ground that insufficient evidence has been received to show that the criteria set out in section 15(2) of the 2006 Act have been met.
- 3.9 Members should note that in order to decide whether or not to reject the Application they should consider only whether, on the balance of probabilities, the applicant has satisfied the requirements of s15(2) of the 2006 Act. No other matters, including ownership of the land, can be taken into account by members; to do so would open the Council up to the risk of judicial review of the decision.

Neighbourhood/ locality

- 3.10 The neighbourhood/locality relied upon in the Application is shown coloured yellow on OS Sitemap at Appendix 1.
- 3.11 The current application meets the requirement that a “locality” must be some administrative division known to law, e.g. a borough, parish or manor and also” has the required degree of cohesiveness for a “neighbourhood” by virtue of it being a housing estate.

Significant number of inhabitants

- 3.12 The applicant must show that a significant number of its inhabitants have used the land for the required purpose. It has been held in the case of *R (McAlpine) v Staffordshire CC* [2002] EWHC 76 (Admin) that “significant” does not mean a considerable or substantial number of people. However the number of people using the land must be sufficient to indicate that it and is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers.
- 3.13 The evidence supplied shows use for pond dipping and feeding ducks by one Albrighton resident and her family over a period of ten years. Two further responses to the local advert placed by the applicant for evidence of use refer to use of the pond area by children and adults from in and around Cross Road as a gathering and play area. All three respondents live close to Patshull Green and it has been argued in other cases that users should come from the neighbourhood/locality as a whole. There would appear to be insufficient evidence to demonstrate use by a significant number of the inhabitants of the locality or neighbourhood within a locality.

Lawful sports and pastimes

3.14 The activities specifically mentioned in the Application and the witness statements of pond dipping, duck feeding and general use for children's play and gathering are considered to be lawful pastimes.

As of right

3.15 'Lawful sports and pastimes' must have been enjoyed "as of right", i.e.

- (a) the activities claimed must have been carried on without force, without secrecy and without permission. 'Force' would involve, for example, accessing the land by climbing over a locked gate or cutting barbed wire;
- (b) the activities claimed must not have been done in exercise of any other legal right, e.g. a right of way; and
- (c) the use must have the appearance to the landowner of the exercise of a legal right.

As previously reported this requirement appears to have been met.

Use for 20 years, continuing as at the date of the Application

3.16 The evidence of one person's use "over past twenty years"; another claiming 10 years user and a third which refers to his "early days" at his address but does not give any specific dates is considered insufficient to demonstrate that a significant number of inhabitants of the relevant neighbourhood or locality have used the land for the relevant 20 year period.

3.17 The Applicant has been unable to produce any further evidence of the activities claimed to have been carried out on the Land.

4. Conclusion and Recommendation

4.1 Having considered each of the criteria in section 15(2) of the 2006 Act, there is a relevant locality or neighbourhood within the locality and lawful sports or pastimes have taken place on the application land. Despite further inquiries the Applicant has not been able to produce any further evidence to show on the balance of probabilities that a significant proportion of local inhabitants have used the land for the whole of the 20 year period ending on the date of the Application.

4.2 Members are therefore recommended to reject the Application for the reasons set out in this Report.

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

Application for registration by Albrighton Parish Council.

Communications from Albrighton Parish Council

Report to South Planning Committee 4 February 2014

Albrighton Parish Council email confirming no further evidence 16 April 2014

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights Act 1998. The landowner in this case has been consulted and the Application has been publicised in accordance with the relevant legislation..

Environmental Appraisal

The procedure for considering this application will have no environmental implications.

Risk Management Appraisal

This Report deals with the processes to be followed to fulfil the Council's statutory duty. Risk management has been appraised as part of the consideration of this Report. .

Community / Consultations Appraisal

Statutory advertisement is required. The Applicant and respondents to the advertisement have been consulted throughout the application process.

Cabinet Member

Councillor Keith Barrow

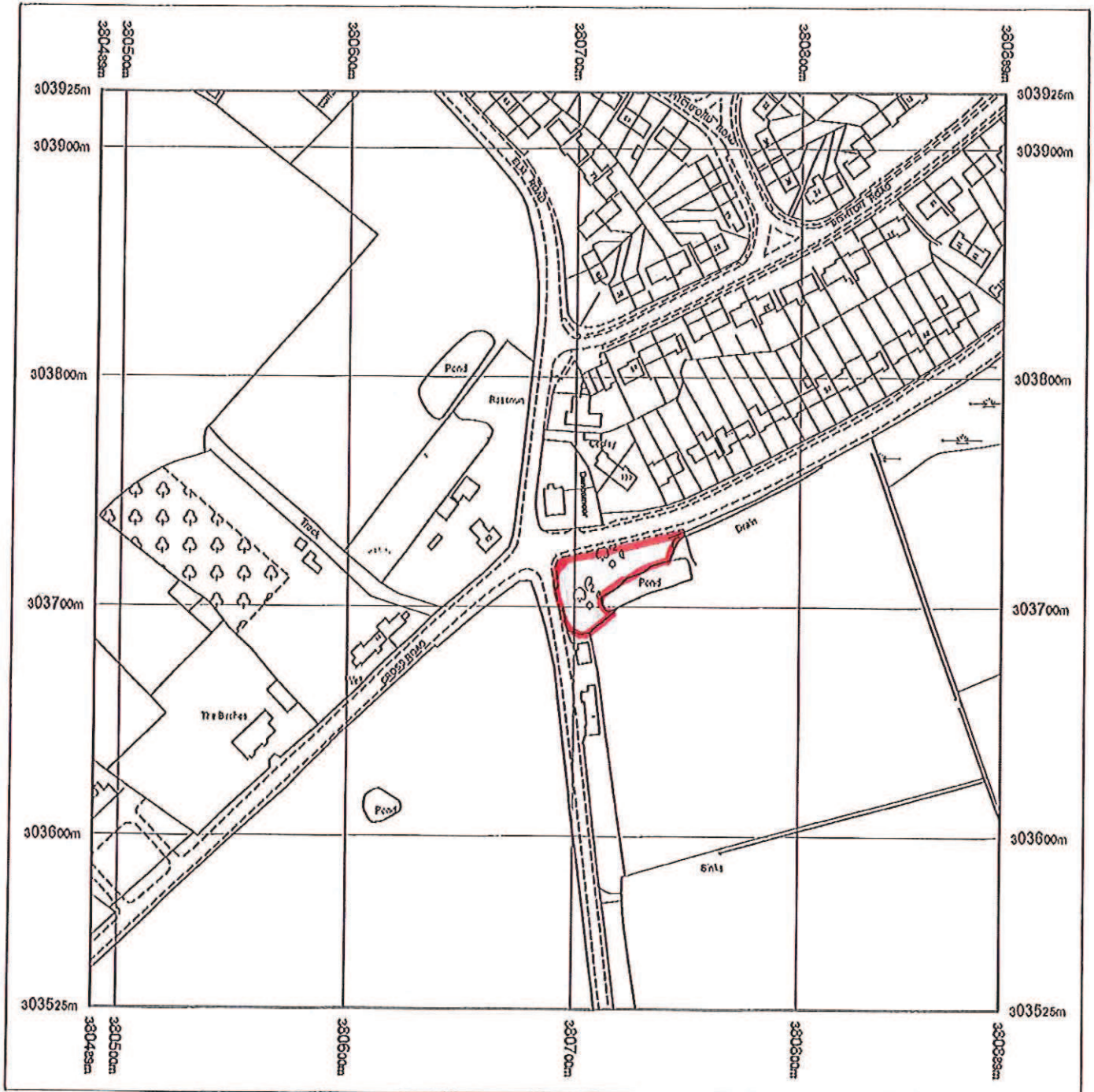
Local Member

Councillor Malcolm Pate

Appendices

Appendix 1 – Plan of the Application Land

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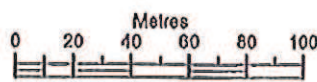
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:2500

Supplied by: Map Kiosk
 Serial number: 00390300
 Centre coordinates: 380688.75 303724.75

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

This is the map referred to in the Statutory Declaration of Michael John Ward made before me this 17th day of February 2011

Richard Klaitor

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Committee and date

South Planning Committee

24 June 2014

Item

6

Public

Development Management Report

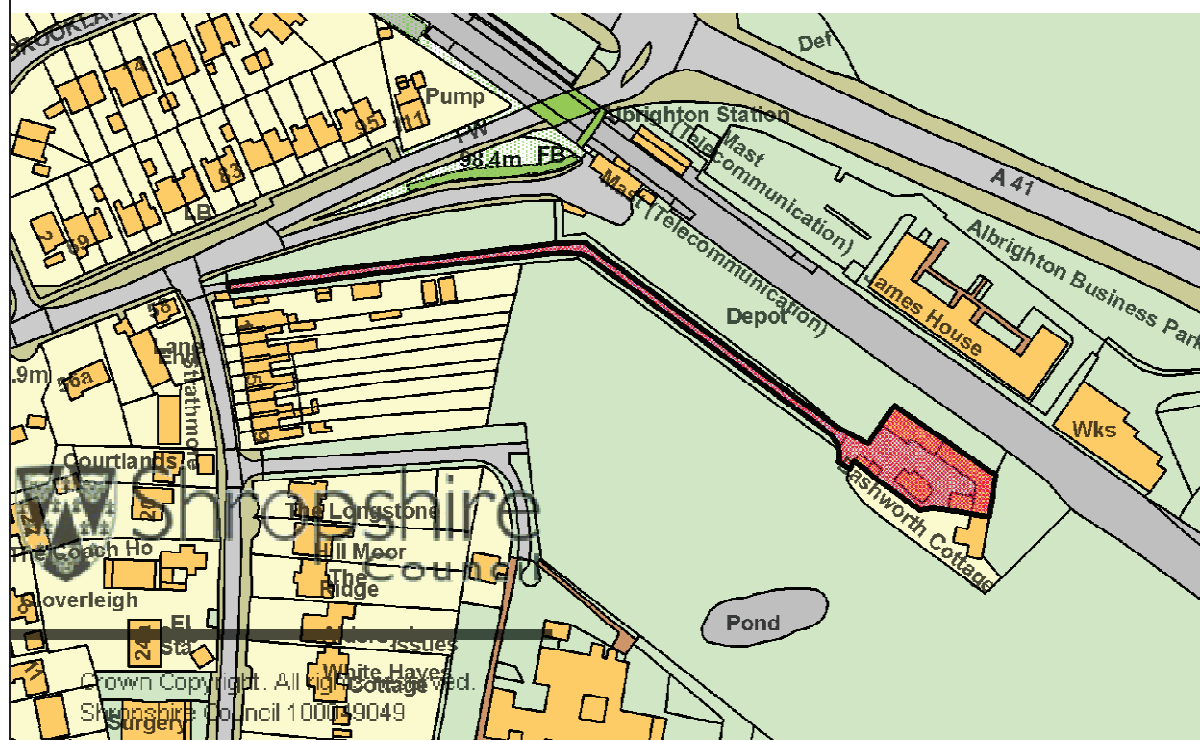
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 13/00097/FUL	Parish: Albrighton
Proposal: Change of use from B1 to C3 (dwelling houses); Demolition of outbuildings and office block; Conversion of existing workshop buildings to form 2 no. 2 bed dwellings; Erection of 4 no. 3 bed dwellings, 1 no. 2 bed dwelling and 1 no. 2 bed flat above garaging; Access improvements; Parking provision; Outside waste storage. (Amended Description).	
Site Address: McKeand Smith & Co Ltd Station Road Albrighton Wolverhampton WV7 3EA	
Applicant: Mr And Mrs P Jemmett	
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk

Grid Ref: 381970 - 304437



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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of the affordable housing element and subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application is for the change of use of the Mckeand Smith & Co site from a redundant builders yard with storage and officer buildings (B1) to residential (C3). This involves the demolition of the office block on the south west side of the site and outbuildings on the north side of the site to allow for the erection of 5 no. 2 storey dwellings placed centrally, and the conversion of an existing workshop building on the south east side of the site to form 2 no. dwellings. A 2 storey weighbridge building to the north west of the site and adjacent to its entrance was originally also proposed to be extended and converted to provide the 8th dwelling, but this has subsequently been deleted and replaced by a new build unit within the main body of the site. The new build essentially takes the form of 2 blocks, one facing south west and the other north east into a shared pedestrian amenity space. Each residential unit typically provides either a lounge/dining area with separate kitchen and WC, or a kitchen dining area with separate lounge and WC at ground floor level, and bedrooms with ensuites and/or a bathroom at first floor level. The affordable plot is nominated as Plot 5, one of the 2 bedroom workshop conversions.

1.2 All the properties are afforded private outside amenity space, and communal areas are also indicated. Parking provision for 14 vehicles is indicated on the north west side of the site where the access track enters having extended from Shaw Lane. Foul sewage is proposed to be disposed of via the main sewer, and surface water to soakaway. No trees or hedges are affected by the development. Materials for the new build are indicated as reclaimed red brick walls with feature areas of off white painted render and timber cladding, grey slate roof tiles to match the buildings to be retained, and UPVC guttering and rainwater goods. Triple glazed aluminium windows and doors in light grey will be inserted into the new build and the structures to be retained. Boundaries will be defined by reclaimed red brick walls and timber fencing, the access road will be tarmac, parking/communal amenity courtyard to be Tegula block paving with perimeter planting and the private amenity spaces to be turf with perimeter paving adjacent to doors.

1.3 In addition to the Design and Access Statement, a number of documents have been submitted in support of this application, which can be viewed in full online, but which are summarised below:

Ecological and Protected Species Survey by Camlad Ecology Ltd dated December 2012

- o The survey found signs of very limited bat activity in the roof spaces of the offices and the workshop, birds nests in the workshop and storage buildings, and limited signs of badger activity fairly close to the site. Habitat suitability assessment of the ponds found that they could be suitable breeding ponds for Great Crested Newts, although there is no known local population.

- o The bat activity appears to be limited to episodic use with no regular roosting in the buildings. Careful demolition of these buildings is unlikely to result in an offence under the Habitat Regulations 2012 in relation to bats and their roosts. Demolition of the buildings outside the bird breeding season would avoid harm to breeding birds.
- o The proposed development should not cause any disturbance or harm to badgers.
- o Further survey may be needed in order to assess the likelihood of Great Crested Newts presence around the ponds. If newts are present, the risk to them will need further assessment, as the site itself is not very suitable as a terrestrial habitat.
- o The ecological report makes recommendations for further survey, a precautionary approach with regards to other protected and valued species, and suggest habitat improvement measures.

Preliminary Report on Geotechnical Design and Aspects of Contamination by GIP Ltd dated 9th October 2012

Provides comments and recommendations on:

- Geotechnical Aspects
- Assessment of Contamination
- Assessment of Ground Gases

- 1.4 During the course of the application, both the Ecological and Protected Species Survey and land contamination report were updated, remediation proposed, and marketing material provided:

Protected Species Survey, Amphibians and Bats – Supplementary Report by Camlad Ecology Ltd dated September 2013

An Amphibian Survey in Spring 2013 found no evidence the presence of Great Crested Newts. A very small number of smooth newts were found in the Pond 2. There are very few Great Crested Newt records for a wide area around the site, and none within 5km of the site. There are a few ponds nearby in which Great Crested Newts are very unlikely to be present.

Internal surveying of the buildings in 2013 found no evidence of further bat activity, the quantity of droppings and the locations are typical of episodic use only.

An EPS mitigation licence from Natural England will be needed before work can begin on the office building.

Swallows nest found inside the storage and workshop buildings indicate that other birds are likely to nest there to. Replacement of lost nesting sites should be considered.

Updated Report on Geotechnical Design and Aspects of Contamination by GIP Ltd dated 6th August 2013.

Remediation Proposal by envirotreat dated August 2013

The identified contaminants of concern on the site are metals, cyanides, polycyclic aromatic hydrocarbons, total petroleum hydrocarbons, BTEX and volatile/semi-volatile organic carbons. There is also asbestos contamination to be considered.

In order to assess the risk posed, a conceptual site model (CSM) has been developed based on the intended use of the site, and various remediation options considered in response including 'Do Nothing', 'Excavation and Off-Site Disposal', 'E-Clay Chemical Stabilisation' and 'Bioremediation'. Of these, the source treatment approach selected for the effective remediation of the identified soil and groundwater contamination is the use of Advanced Stabilisation incorporating E-Clay Technology.

Marketing Material received on 18th March 2013

Comprises a business sale engagement form dated 25th October 2010.

- 1.5 Various design amendments have taken place including significantly the removal of the weighbridge building from the application in response to officer's concerns. It is felt that extension to this building would either significantly reduce the outside amenity space afforded to it to an unusable level, or result in an overly contrived appearance incongruous to the street scene and local character. Without extension, the Weighbridge would not provide sufficient internal living accommodation. It is therefore intended to omit the building from this application, and to give further consideration to a potential use for it due to its unique character, rather than demolition. The proposal now includes a 2 bedroom flat with parking underneath in lieu to be erected in the north west corner of the site. Whilst 8 dwellings are still indicated, the new build element of the proposal now comprises 4 no. 3 bedroom dwellings, 1 no. 2 bedroom dwelling and 1 no. 2 bedroom flat. Plot 5, one of the 2 bedroom conversions, has been confirmed as the affordable plot. In addition, plans showing access improvements including passing places, parking provision in relation to waste collection vehicles and outside waste storage has been supplied.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary of the Market Town of Albrighton and to the north east of the Town Centre. It is accessed via a track of approximately 240m in length which extends from Shaw Road adjacent to its junction with Station Road linked to the A41 in the north. The site is isolated from the residential areas to the west, and bordered by safeguarded land to the south and east, and by a caravan storage yard and the railway line to the north across which there is a business site at James House. There is a single residential property at 'Dashworth Cottage' adjoining the southern side of the site which is attached to the existing workshop building proposed for conversion.
- 2.2 The site comprises a modern office building, a workshop and several brick storage buildings with some parts of their structure that date from the late 19th or early 20th Centuries, and hard surfaced yards. It is separated from the railway line by a hard standing yard containing stored caravans which extends across the northern boundary and down the eastern side of the brick storage buildings, from the upper floor of which it is only really visible. The domestic garden and access drive of 'Dashworth Cottage' runs along the southern and south western side, beyond which is agricultural land using for crop growing and which is the safeguarded land.

2.3 The access track is flanked by mature native hedging covering various other boundary treatments and has a 45° bend approximately half way along it. The section of the track off Shaw Lane and up to the bend runs between rear gardens on its south side and a plot of land on its north side which has already benefitted from planning permission for 9 no. 2 storey, terraced dwellings granted under ref: 10/03008/FUL on 8th September 2010 (renewal of ref: BR/APP/FUL/05/0511). The detached 2 storey weighbridge building is positioned on the south side of the access point of the track onto Shaw Road. It is set at right angles to the terrace of dwellings on its south side with a north facing frontage and has a footprint of approximately 15.5m².

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications where the Parish Council submit a view contrary to officers based on material planning reasons the following tests need to be met:

- (i) These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions: and
- (ii) The Area Manager or Principal Planning Officer in consultation with the Committee Chairman or Vice Chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Albrighton Parish Council (11-02-13) – Object: At its meeting on 7th February 2013, objected to planning application 13/00097/FUL on the grounds that it was unexceptional development within the Green Belt. Councillors also registered concerns over the suggested access to the proposed site.

4.1.2 SC Affordable Homes – Comment: Whilst not involved in any pre-application discussions regarding this application I can confirm that the information given by the applicant on the Affordable Housing Proforma is correct for a scheme of 8 dwellings with an average floor area of 66m²

The on-site affordable dwelling should be a rented 2-bedroom property provided in accordance with the provisions contained within Chapter 4 and Appendix G of the Supplementary Planning Document on the Type and Affordability of Housing (September 2012). This dwelling will need to be let to someone from the Council's Housing Register as a 'Discounted Rent' dwelling at a maximum of 80% of the open market rent. It will need to be managed by either a Housing Association or approved private landlord and the minimum initial tenancy period will be no less than 12 months.

These provisions will be secured in perpetuity through a Section 106 Legal Agreement.

4.1.3 SC Drainage (14-01-13) - The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance

with Shropshire Council requirements. The use of soakaways should be investigated in the first instance for surface water disposal. The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. Advice provided for the surface water drainage requirements if soakaways are not feasible and the encouragement of measures listed to minimise the risk of surface water flooding.

The drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission. Informatives also suggested.

SC Drainage (14-11-13) - Following comments from The Environment Agency, the use of soakaways are unlikely to be a suitable means of discharge due to the contamination of the ground. An alternative design to attenuate surface water flows from the development should be submitted.

SC Drainage (15-05-14) – No Objection: The drainage information proposing a sealed system due to the contamination of the site is acceptable provided a condition requiring the details is applied if planning permission were to be granted. Condition suggested.

- 4.1.4 SC Highways (04-02-13) - The proposed dwellings would be some distance from the highway, accessed by the existing private lane from the junction at Shaw Lane. This private lane has historically served the site and an adjacent dwelling, although the point where it emerges onto the highway is not ideal due to its close proximity to the Station Road/ Shaw Lane junction and the poor visibility due to the location of the former weighbridge building. The surfacing of the access is in poor condition and it is likely that the intensification of vehicle movements over the footway would lead to its rapid deterioration.

In the interests of highway safety, it is essential the visibility is maintained across the piece of land on the Station Road side of the point where the lane emerges onto the highway. An emerging driver needs to be able to see any approaching vehicles turning left into Shaw Lane before entering the carriageway. It would however appear that this small piece of land is not in the applicants control and although there is currently no problem here, there would be if the land was developed and the visibility and width available was restricted.

The existing access onto the highway is unsuitable to accommodate the level of vehicle movements likely to be generated by 9 dwellings. Details should be provided of how this could be improved and the provision of passing places along the land should be considered to avoid long reverses for vehicles meeting on the bends where they have been unable to see each other coming.

SC Highways (11-11-13) No Objection: The additional details now provided by the applicant address my concerns. These include the provision of passing places on the access road and improvements to the surfacing at the junction of the access track and the highway. It is also shown that sufficient of the shared access point is under the control of the applicant for the safe movement of vehicles associated with the occupation of the development to take place. No highway objections to the

development, conditions recommended relating to construction of the passing places and surfacing of the access track junction prior to occupation.

- 4.1.5 SC Waste Management (21-01-13) – The Design and Access Statement refers to domestic vehicles being able to egress the site in forward gear, however, we will need confirmation that the roadway leading to the site and the turning area 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 11 tonnes. A plan is required showing the track of the vehicles within the development, which must not cross any parking places nor involve reversing in or out of the development.

The Proposed Ground Floor Plan refers to *Communal Secure Parking*. However, we will require unhindered access to service the refuse and recycling. The application makes no provision for the collection of recyclable waste. The Household Waste Recycling Act 2003 requires all local authorities in England to collect at least two types of recyclable waste from all households in their area. Shropshire Council currently collects four types of recyclable materials at the kerbside, therefore provision for their storage and collection would need to be considered. Details of the size and layout of the relocated refuse and recycling bin store should be provided. Furthermore, we also provide a 240 litre green bin for green garden waste and this does not appear to have been taken into account where the dwellings have gardens.

We operate a kerbside collection policy where waste containers are collected from the edge of the adopted highway. The long driveway and turning point on this development must be of a suitable sufficient standard to enable collection of the waste. Alternatively, the occupiers of all of the properties will be required to present their waste bins and recycling boxes for collection on the pavement of the adopted highway, which would be at the start of the access drive in Station Road.

SC Waste Management (29-05-14) No Objection: An 8 metre turning circle for the refuse and recycling vehicle has been made available and is shown on the amended plans, there are now no issues relating to collections services for this proposed new development.

- 4.1.6 SC Public Protection (18-02-13) – Comment: The proposed development site has been identified as potentially contaminated land because of past use as a gasworks from at least 1882 until circa 1951. Shropshire Council is not aware of any previous investigations/remedial works undertaken at the site. Therefore there is the potential for significant contamination on the site.

None of the former above ground gasworks structures remains, except the former retort house where coal would have been heated in retorts. Based on experience it is expected that many features of the key gas production processes will remain beneath the existing concrete and buildings. This will include the purifiers, condenser, washer, scrubber, tar/liquor well, oxide floor and gasholder base; the latter is in part below the central office building. Significant contamination is usually associated with these processes.

It is not considered that the submitted Preliminary Report on Geotechnical Design and Aspects of Contamination provides a sufficiently detailed investigation of all key areas. For this reason, the suggested conditions must be included on any approval decision notice.

It should also be noted that soakaways may not be an option for the disposal of surface water given the former use of the land. It is considered that additional more detailed investigation and assessment of the potential risks to both human health and controlled waters is required, before a remediation strategy; the costs of which could be significant, can be considered.

SC Public Protection (28-10-13) – Comment: The results of the additional Site Investigation have been reported within the Updated Report on Geotechnical Design and Aspects of Contamination, and remediation of the site proposed using E-Clay stabilisation technology outlined with an Envirotreat Remediation Proposal. The method proposed is not familiar and raises a number of questions, primarily in respect of the longevity of the treatment and its long term monitoring, and would require authorisation from the Environment Agency. Full contamination land conditions would still be needed if the application were to be approved.

Additionally, a condition is suggested in respect of the potential impact of noise from the adjacent railway line on future occupants.

SC Public Protection (01-05-14) – Comment: Recommend Contaminated Land Conditions: Having regard to the Environment Agency comment it is clear that further investigations and subsequent reports and decision making with regards to contaminated land is required. The applicant will need to demonstrate that they can protect from unacceptable risks to human health as well as controlled waters when submitting future reports for consideration. Contaminated land conditions strongly recommended as previously.

- 4.1.7 Environment Agency (18-02-13) – As the site is a former gas works, there are considerable groundwater protection issues associated with the proposal.

As there is currently insufficient information contained with the submitted Preliminary Report on Geotechnical Design and Aspects of Contamination to establish the risks and remedial measures we would wish to see more extensive site investigation undertaken. We would wish to see these works undertaken upfront in order that the developer can fully appreciate the likely extent of the required remedial works and the associated financial and time implications. At the very least we would wish to ensure that a scope of additional site investigation works is secured up front.

It is also noted that Shropshire Council Drainage have stated that the preferred method for surface water disposal is via soakaways. This is unlikely to be an appropriate option given the former use of the land as there is the potential to re-mobilise ground/water contamination.

Environment Agency (29-04-14) – Recommend conditions relating to land remediation works: Based on our previous response and the additional information submitted we would offer the following additional comments in relation to controlled waters only.

Groundwater and Contaminated Land: The Updated Report indicates that significant soil and groundwater impacts have arisen as a result of the former gasworks activities. The gross contamination is generally associated with specific structures however, the investigation also reveals that significant widespread contamination is present implying migration from the structures and potential spillage/disposal at surface. The monitoring boreholes are restricted in depth, therefore the vertical contaminant migration is not well defined, and the boreholes may not sufficiently define the vertical contaminant migration on the site where the evidence provided shows that migration has occurred.

Remediation Proposal: Based on the sampling results and observation on site, free product and gross contamination would be expected to be removed from the site. The use of e-clay to address these aspects is not appropriate due to the extent of the contamination. Further 'deeper' site investigation information and DQRA (detailed quantitative risk assessment) will be needed to finalise the remedial approach as the remediation information submitted is not sufficient. The recommended planning conditions will seek to secure this additional information and remediation.

Surface Water Drainage: It is expected that the Council's Flood and Water Management Team to lead on and approve the detailed surface water drainage design.

Foundations/Piling: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Based on the findings of the Site Investigation undertaken, any proposed foundation solutions will need to be chosen to avoid the creation of vertical migration pathways – a CFA cast in situ solution is recommended. The applicant will need to submit a Foundation Works Risk Assessment to demonstrate that any proposed piling will not result in contamination of groundwater.

- 4.1.8 SC Ecology (06-02-13) – In the absence of additional information relating to bats and Great Crested Newts, refusal is recommended, since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). Details of the additional information required provided.

SC Ecology (23-04-14) – No Objection: I have read the above application and the supporting documents including the Ecological and Protected Species Survey by Camlad Ecology (December 2012) and the Supplementary Report conducted by Camlad Ecology (September 2013). Planning Officer to complete tests 1 and 2 on the European Protected Species 3 tests matrix and include the finished matrix within their site report. Conditions recommended in relation to bats and nesting wild birds, informatives in relation to bats, Great Crested Newts, nesting wild birds and badgers.

4.1.9 Shropshire Fire and Rescue - Standard advice provided in relation to ' Access for Emergency Fire Service Vehicles', 'Water Supplies For Fire Fighting' and 'Sprinkler Systems – Residential Premises'.

4.2 - Public Comments

4.2.1 Four letter of representation have been received from members of the public, two of which have been submitted by the Albrighton and District Civic Society. These can be viewed in full online, but are précised as follows:

- o As the adjacent railway station and surgery on Shaw Lane have insufficient parking, the area is extremely congested for much of the working week. There is a great need for additional off road parking.
- o The access to the site should be suitable for 2 way traffic.
- o As the site adjacent has been taken out of the Green Belt and there are now 3 applications for housing development in this area, the future of the whole area should be considered rather than piecemeal development which serves only the interests of a few landowners.
- o As least 2 road entrances to the site should be built as consideration of the wider site and its access to the village centre.
- o Concerned about water and drainage, flooding as due to the amount of rubbish and materials dumped from the builders in the hedge, the water comes onto my side.
- o The conversion of the Weighbridge building is welcomed. This building along with the neighbouring row of cottages, the stationmaster's house and ticket office and the cottages adjacent to the railway bridge are of historic interest and should be a designated Conservation Area. The conversion should be treated it were already a Conservation Area.
- o As the hedge is not that secure, concerned about security in the lane.

Albrighton and District Civic Society

- o There should be a condition imposed to preserve a public right of way from the land behind the school to enable pedestrian access across the McKeand Smith access road up to the land in front of the station.
- o There is also a possibility of land swap for the triangular piece of land on the station access road to enable additional parking for station users. A condition should be imposed to preserve that option.
- o If these 2 conditions are imposed, we support this application.
- o Emphasize the need for a suitable 2 way access road.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character.
- o Visual and physical impact
- o Ground Contamination
- o Drainage
- o Waste Management
- o Access and parking
- o Ecology

6.0 OFFICER APPRAISAL**6.1 Principle of development**

- 6.1.1 The proposed site falls within the Market Town of Albrighton in which the principle of erecting open market dwellings is supported by LDF Core Strategy Policy CS3 – The Market Towns and Other Key Centres, as a more sustainable form of development. Bridgnorth District Local Plan ‘Saved’ Policy H3 identifies Albrighton as a key settlement where residential development will be permitted provided the site is appropriate. The Market Towns and other key centres are identified in LDF Core Strategy Policy CS1 – Strategic Approach as maintaining and enhancing their traditional roles in providing services and employment and accommodating around 40% of Shropshire’s residential development over the plan period. Greater self-containment is the key objective of the Market Town revitalisation programme. The site is not within the Green Belt as suggested in the Parish Council comments.
- 6.1.2 The ‘appropriateness’ of the site can be considered as the perceived interaction between the proposed and existing visual and physical factors involved. Both the National Planning Policy Framework (NPPF) and LDF Core Strategy Policies CS6 and CS17 direct that a high quality development should be created whilst contributing to local character, and protecting and enhancing the natural built and historic environment. The reuse of existing resources, including the conversion of existing buildings and brownfield land is additionally encouraged. These considerations should benefit for the lifetime of the development and provide positive improvements in people’s quality of life.
- 6.1.3 The principle of developing the proposed site for residential use is considered acceptable due to its ‘appropriateness’, as it is positioned within the key settlement of Albrighton and it involves the conversion of unused buildings and the use of brownfield land. Additionally, within the emerging SAMDev the site directly to the south and west is allocated as housing site ALB002 and it is stated that, *‘Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period. Local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance’*. (S1. Albrighton Area)
- 6.1.4 LDF Policy CS11 – Type and Affordability of Housing, requires that all new open market housing development makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate. For all sites of 8 dwellings and above, the provision of affordable housing is expected to be on site, and Plot 5 has been indicated as such. An affordable dwelling via a Section 106 Agreement has been secured.
- 6.1.5 Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their own merits, having regard to market signals and the relative need for different land uses to support sustainable local communities. ‘No reasonable prospect’ of the site continuing to be used for employment purposes has been satisfactorily demonstrated through the inclusion of marketing material which indicates that it has been marketed from 25th October 2010. The company directors retired in 2011 with no buyers being found due to the economic decline over the last few years.

6.2 Design, scale and character

6.2.1 It is considered that in relation to the confines and shape of the site, the development proposed is well considered, given that the allocated parking provision and waste storage is restricted to the north western side adjacent to the access road, and the residential area pedestrianized. The new build is placed centrally where the space will be opened up following the removal of the existing modern office building, and the new dwellings positioned further away from the boundary with the railway to the north than the current structures sited along it. The buildings to be converted on the south east side have some merit as traditional brick structures, thus retaining the more visually attractive element of the site with original character. The site additionally allows for each residential unit to have a suitable amount of outside amenity space. The proposed layout of the buildings largely references the existing, and it is not felt that the scale of the built environment within the site will be significantly increased. Relationships between the dwellings will afford an appropriate amount of privacy.

6.2.2 Discussions have taken place during the course of the application in relation to the design of the new build which have resulted in minimal revisions to the appearance compared with the originally submitted. The scheme as now proposed is not so unacceptable a design for a recommendation of refusal however, as the site is adjacent to the railway line, the external appearance of the new residential units could have reflected associated outbuildings/warehousing.

6.3 Visual and physical impact

6.3.1 As mentioned in paragraph 6.2.1 above, as the existing scale of the buildings is not considered to be greatly exceeded by the new development, the physical impact of this area of the built environment will not be increased from the wider environment. Due to the way the site has previously developed to serve the former business, the appearances of the buildings do not relate to each other, their positioning is somewhat incoherent, and the level of maintenance varies. Therefore the proposed development will improve the visual appearance of the site by both rationalizing it and renewing it.

6.3.2 As the site is isolated from existing residential areas to the west and bordered by a caravan storage yard and the railway line and business site to the north, and open safeguarded land to the south and east, its impact on adjacent properties will be minimal. The single adjacent residential property at 'Dashworth Cottage' adjoining the southern side of the site is attached to the existing workshop building proposed for conversion. However it is considered that there will be no greater impact from a residential use than from the previous business use of the site, and consideration has been demonstrated in the design of the new dwellings to ensure no overlooking or overbearing impact occurs on this cottage. The land immediately to the south and east of the cottage is allocated for housing within the emerging SAMDev.

6.4 Ground contamination

6.4.1 As the site is a former gas works, unsurprisingly the submission of a Site Investigation Report has identified ground contamination. Both the Environment Agency and SC Public Protection consider that whilst the report submitted provides sufficient initial information, further investigation and appropriate remediation is required. However, it is felt that this can be dealt with via conditions, the content of which has been clearly specified by those two bodies.

6.5 Drainage

6.5.1 In this case, the installation of acceptable foul and surface water drainage will be related to the ground contamination issues. It has been identified that whilst mains sewer connection is achievable, soakaways are not a suitable means of surface water disposal for this site. For this reason, a sealed drainage system has been proposed, the details of which can be provided in respect of the carefully worded condition set out by SC Drainage.

6.6 Waste Management

6.6.1 Due to the site being positioned along a 240m track, it is not feasible for waste storage bins to be taken out onto Station Road by the future residents, nor does the track, even with the passing places proposed, provide appropriate access for the standard size waste disposal vehicles. However, a smaller waste disposal vehicle already uses the track in order to provide the service to 'Dashworth Cottage. SC Waste Management have agreed that this vehicle can also service the proposed development and that the turning circle shown on drawing no. PL – 110 193 Rev A provides suitable access space for this smaller sized waste disposal vehicle. This plan also shows an acceptable sized dedicated waste/green bin store with space for 20 bins in the western corner of the site adjacent to the access point.

6.7 Access and parking

6.7.1 Initially concerns were raised by SC Highways in relation to the visibility at the point of access of the track serving the site onto Station Road, and that the existing road was not suitable to accommodate the level of vehicular movements likely to be generated from the 8 dwellings proposed. However, amended plans shown the provision of passing places on the access road and improvements to the surfacing at the junction of the access track with the highway are considered to have addressed the concerns raised both by SC Highways and public representation. It has also been demonstrated that sufficient of the shared access point is under the control of the applicant for the safe movement of vehicles associated with the proposed development. Conditions will be applied to ensure that the construction of the passing places and surfacing of the access track takes place prior to the occupation of the development.

6.8 Ecology

6.8.1 Following the recommendation of conditions by the Planning Ecologist in response to the Ecological and Protected Species Survey and the Supplementary Report, it is considered that these measures will be sufficient to ensure that any protected species at the site are suitably provided for.

7.0 CONCLUSION

7.1 The site is in a sustainable location within the development boundary of one of Shropshire's Market Towns and this windfall development will provide an affordable dwelling alongside 7 other residential units. The development can be laid out and designed to an appropriately high quality without detrimental impact on the character of the area, the amenities of neighbouring residents or the biodiversity at the site. Significant improvements will be made to the drainage of the site and access into it, and land contamination present can be effectively dealt with.

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

Core Strategy and Saved Policies:
CS3 - Market Towns And Other Key Centres
CS6 - Sustainable Design And Development Principles
CS9 - Infrastructure Contributions
CS11 - Type And Affordability Of Housing
CS17 - Environmental Networks

H3 - Residential Developments In Main Settlements
D6 - Access And Car Parking

SPD Type And Affordability Of Housing

RELEVANT PLANNING HISTORY:

None relevant

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

Design and Access Statement dated January 2013

Ecological and Protected Species Survey by Camlad Ecology Ltd dated December 2012

Protected Species Survey, Amphibians and Bats – Supplementary Report by Camlad Ecology Ltd dated September 2013

Preliminary Report on Geotechnical Design and Aspects of Contamination by GIP Ltd dated 9th October 2012

Updated Report on Geotechnical Design and Aspects of Contamination by GIP Ltd dated 6th August 2013.

Remediation Proposal by enviro-treat dated August 2013

Marketing Material received on 18th March 2013

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr Malcolm Pate

Appendices
APPENDIX 1 – Conditions
APPENDIX 2 - European Protected Species – Consideration of the three tests.

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

5. Drainage calculations to limit the proposed discharge, for a range of 1 in 100 year plus 30% storm durations, to an equivalent existing run-off rate based on a rainfall intensity of 50mm/hr, plus 50% betterment should be submitted for approval by the local planning authority prior to the commencement of development. The attenuation drainage system should be designed so that there will be no flooding of any property either within the proposed development or any other in the vicinity. There should be no discharge to a surface water body or sewer that results from the first 5mm of any rainfall event.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of a robust design.

6. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable

risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: In order to protect the underlying groundwater and wider water environment.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the underlying groundwater and wider water environment.

8. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

- 1) A supplementary site investigation scheme, based on GIP report entitled 'Updated report on geotechnical design and aspect of contamination for a proposed residential development at the former McKeand and Smith premises, Station Road, Albrighton' dated August 2013 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

- 4) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 3 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (2 and 3). The report shall include results of any sampling and monitoring. It shall also include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation

strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In order to protect the underlying groundwater and wider water

10. Prior to any construction work taking place, a noise assessment shall be submitted and mitigation measures approved in writing. Any mitigation approved will be installed in line with the approved mitigation proposal.

Reason: To protect the health and well being of future residents.

11. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

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

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

12. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

13. Work on the office building 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

14. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Supplementary Report conducted by Camlad Ecology (September 2013).

Reason: To ensure the protection of bats which are European Protected Species

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

15. A total of 4 Schwegler 1FQ bat box or similar woodcrete bat box variety suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site as instructed in the Supplementary Report conducted by Camlad Ecology (September 2013). Bat boxes shall be erected prior to first use of the buildings hereby permitted and as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

16. 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.

17. A total of 5 woodcrete artificial nests suitable for small birds such sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

18. The dwellings hereby approved shall not be first occupied until the passing places shown on approved plan have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be kept clear and maintained at all times for their intended purpose.

Reason: In the interests of highway safety.

19. The dwellings hereby approved shall not be first occupied until the access track has been surfaced at its junction with the highway in accordance with the submitted drawing.

Reason: In the interests of highway safety.

20. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and

drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- erection of a porch
- hard surfacing
- container for the storage of oil
- satellite antenna
- fences, gates or walls
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

22. The windows detailed below shall be glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in those elevations unless otherwise agreed by the Local Planning Authority:

Plot 1 - The first floor bathroom window on the south west facing elevation.

Plot 2 - The two first floor ensuite windows on the south west facing elevation.

Plot 3 - The first floor Bedroom 2 window on the south east facing elevation.

Plot 6 - The first floor bathroom, landing and ensuite windows on the north east facing elevation.

- The first floor Bedroom 1 window on the south east facing elevation.

Reason: To preserve the amenity and privacy of adjoining properties.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. 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 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.

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
4. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
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. 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.

7. 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.
8. 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.
9. 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.

10. 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.
11. Consent is required from the service provider to connect to the mains foul/surface water sewers.
12. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991;
 - Hazardous Waste (England and Wales) Regulations 2005;
 - Environmental Permitting (England and Wales) Regulations 2010;
 - The Waste (England and Wales) Regulations 2011;

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;

- some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays;

The Environment Agency recommends that developers should refer to our position statement on the Definition of Waste: Development Industry Code of Practice and website at www.environment-agency.gov.uk for further guidance. We would also recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

Note: The remedial works associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. Additional 'Environmental Permitting Guidance' can be accessed via our main website (<http://www.environment-agency.gov.uk>).

13. 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.
14. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies
CS3 - Market Towns And Other Key Centres
CS6 - Sustainable Design And Development Principles
CS9 - Infrastructure Contributions
CS11 - Type And Affordability Of Housing
CS17 - Environmental Networks
CS18 – Sustainable Water Management

Bridgnorth District Council 'Saved' Local Plan Policies:
H3 - Residential Developments In Main Settlements
D6 - Access And Car Parking

SPD Type And Affordability Of Housing

15. 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.

APPENDIX 2

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

13/00097/FUL

McKeand Smith & Co Ltd
Station Road
Albrighton
Wolverhampton
WV7 3EA

Change of use from B1 to C3 (dwelling houses); Demolition of outbuildings and office block; Conversion of existing workshop buildings to form 2 no. 2 bed dwellings; Erection of 4 no. 3 bed dwellings, 1 no. 2 bed dwelling and 1 no. 2 bed flat above garaging; Access improvements; Parking provision; Outside waste storage.
(Amended Description).

Date of consideration of three tests:

24 April 2014

Consideration of three tests carried out by:

Nicola Stone
Assistant Biodiversity Officer
01743-252556

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

The larger proportion of the proposed dwellings will replace existing buildings which show signs of disrepair and are regarded as not fit for the purpose for which they were intended without substantial financial support. The replacement structures are of a higher quality design appropriate to the character and context of the site in addition to being windfall residential units within a Shropshire Market Town Development Boundary where the requirement for a five year land supply within Shropshire Council jurisdiction is not currently being fulfilled. The buildings will make a positive contribution to their environment.

2 Is there ‘no satisfactory alternative’?

No, the alternative is to allow the site to become fully derelict or to completely remove all the structures eradicating the character of the site and potentially providing a more intense built environment. The proposed residential units will establish a more sustainable form of development for the site.

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

There is evidence of scattered Pipistrelle droppings within the loft spaces of the office and workshop. There is no evidence of roosting bats in the other buildings on the site according to Camlad Ecology (2012). Camlad Ecology concluded that the scattered droppings are evidence of episodic roosting. Bat activity surveys were conducted, in line with Natural England’s guidelines, and found no evidence of further bat activity in these buildings.

Camlad Ecology concludes that an EPS mitigation licence will be required before work can begin on the office building.

Camlad Ecology has recommended that clearing the site and initial demolition work is carried out in late September to November and Mid February to mid-April. Bat boxes will be erected on site in order to mitigate for the loss of a bat roost.

The proposed development will not be detrimental to the maintenance of the populations of bats at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Nicola Stone to Lynn Parker dated 23th April 2014 are on the decision notice and are appropriately enforced:

1. Work on the office building 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
2. A total of 4 Schwegler 1FQ bat box or similar woodcrete bat box variety suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site as instructed in the Supplementary Report conducted by Camlad Ecology (September 2013). Boxes shall be erected prior to first use of the building hereby permitted and as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.
Reason: To ensure the provision of roosting opportunities for bats which are 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 Supplementary Report conducted by Camlad Ecology (September 2013).
Reason: To ensure the protection of bats which are European Protected Species
4. 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.

Guidance for filling in the EPS form

The three tests detailed below must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence is likely to be committed, it is not appropriate to consider the three tests.

Test 1 'overriding public interest' and test 2 'no satisfactory alternative' should be addressed by Shropshire Council planning team. Test 3 'favourable conservation status' should be addressed by Shropshire Council Ecologists with guidance from Natural England.

1 Is the purpose of the development/damaging activity for '*Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'?

NB in order to meet this test, the purpose of preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public.

If an unstable structure (e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

2 Is there no satisfactory alternative?

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?

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

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.



Committee and date

South Planning Committee

24 June 2014

Item

7

Public

Development Management Report

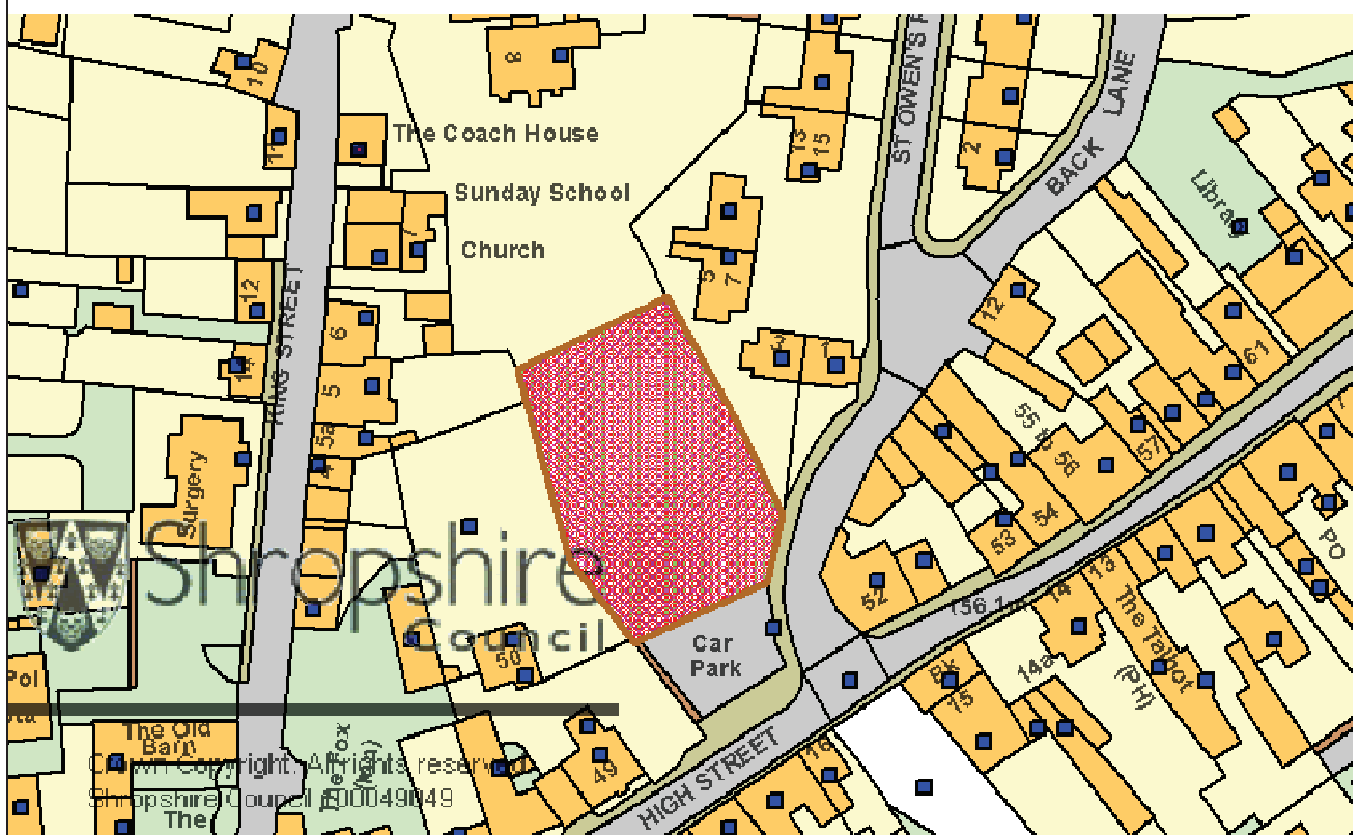
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 13/00143/FUL	<u>Parish:</u>	Much Wenlock
<u>Proposal:</u> Erection of one detached dwelling and erection of two bay detached garage Creation of new vehicular access		
<u>Site Address:</u> Land At Mardol House King Street Much Wenlock Shropshire TF13 6BL		
<u>Applicant:</u> Mr And Mrs G Wilkinson		
<u>Case Officer:</u> Thomas Cannaby	<u>email:</u> planningdmse@shropshire.gov.uk	

Grid Ref: 362167 - 299929



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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of the affordable housing contribution and subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a single detached dwelling, located on land to the rear of High Street, Much Wenlock.
- 1.2 The dwelling would be a brick built, hipped roof property which would have a square footprint with an L-shaped roof and with a conservatory filling in the open corner to the north west.
- 1.3 The building would be located on the south side of the site, close the boundary wall which surrounds the small public car park to the south, and positioned to that the building does not interfere with the large beech tree in the centre of the site. The plans show a detached double garage located on the eastern side of the site, with a turning area in front of this, and the northern section of the site being used as the garden/amenity area for the dwelling.
- 1.4 Following initial consultation on the proposal the plans for the dwelling were amended. These adjustments have altered the appearance of the proposed dwelling with a reduction in scale and also amount of fenestration on the main public elevations, removal of mid-slope dormer windows, the reduction in scale of the proposed garage (from a triple garage to a double garage), and the repositioning of both the proposed garage and dwelling on the site in response to issues raised due to consultation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within both the development boundary of the town and also within the conservation area, and forms an area of transition between the dense, close packed, busy, predominantly commercial high street and the mixed use area around this. To the north of the site, along back lane is an area of lower density housing. The site itself has a narrow frontage facing back lane and has no frontage facing High Street.
- 2.2 The southern side of the site is bordered by a wall which forms the boundary of the public car park, with views over this from the south being the main public aspect of the site. The wall continues along the eastern side of the site, forming the road frontage.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is referred to committee for determination as the Town Council has expressed a view which is contrary to the Officer recommendation. The Area Manager and Principal Officer in consultation with the Chairman agree that the Town Council has raised material planning issues and that the application should

be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council: Objects

The Town Council objects due to the following reasons:

- ☒ Scale of the house in relation to the surrounding area, particularly how the roof-scape would fit in;
- ☒ The Georgian design which is out of keeping with this particular area of the town;
- ☒ Overlooking neighbouring properties;
- ☒ Vehicular access due to the proximity of manoeuvring in and out of the adjacent car park; and the narrowness of Back Lane.

4.1.2 Shropshire Council Land Drainage: No objection

Surface water details [shown on S11672 and in AquaCell Systems Product and Installation Guide] are acceptable.

4.1.3 Shropshire Council Ecologist: No objections subject to condition relating to the provision of artificial birds nests.

4.1.4 Shropshire Council Archaeologist: No objections.

I would recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development comprising a watching brief during ground works.

4.1.5 Shropshire Council Highways Development Control: No objections subject to conditions requiring access to be constructed in accordance with the submitted drawings before first occupation.

4.1.6 Shropshire Council Conservation Officer Comments:

In response to amended scheme: Recommend approval

Conclusion of comments:

The proposals would enhance and reveal the character of the conservation area, as such they accord with policy 137 of the NPPF and policy CS6 of the Shropshire Core Strategy.

Comments have been provided prior to this consultation which outlines the background to the application in more depth. Amendments have been made to the proposals which give a much stronger response to the townscape of Much Wenlock and the constraints of the site.

Response to original proposal: Recommend amendments

Conclusion of comments:

The proposals are very much suburban in character and it is not felt that the proposals positively respond to the layout and townscape of Much Wenlock or the key characteristics of the buildings which contribute to the character and appearance of the area.

The design of the proposal is of a Georgian style yet is a building of contemporary proportions and characteristics. It is suggested that if the requirement is for a building of contemporary proportions and layout, that the location within a Conservation Area does not preclude innovative architecture of a contemporary design, provided that this takes into account an understanding of the site and the characteristics of the area.

4.1.7 Shropshire Council Arboricultural officer – no objection

Latest comments to amended drawings:

I note that an amended Site Location and Block Plan (1221/12-02 Rev B) was registered on 18th March 2014. This drawing shows that the entrance to the site from the highway has been altered, moving it further away from the protected beech trees.

The existing wall is to be retained along the road front between the trees and the current garden gate, which is to be removed with new gates being set back from the road by a short section of fencing. This arrangement is preferable arboriculturally to the previous layout, because it will have less impact upon the roots of the protected beech trees, providing appropriate precautions are taken to avoid ground compaction and root severance during construction of the new access and driveway.

Suitable tree protection measures have been provided in the Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan provided by Terry Merchant (dated 22/5/13 and 17/2/14).

Therefore I would be happy to recommend attaching the following tree protection conditions to any approval granted for this development.
[conditions detailed at end of report]

4.2 - Public Comments

4.2.1 Much Wenlock Civic society: objects

- ☐ Design out of keeping with area, proposal should secure support of conservation officer before it can be considered
- ☐ Plot of land near the high street has been of economic significance since middle ages, potential archaeological significance.
- ☐ The access proposed must be regarded as contentious as it opens onto a busy service road for vehicles supplying properties in the high street and is adjacent to a public car park.
- ☐ The land is an orchard with sizeable trees, and plays a role in absorbing precipitation. Loss of permeable surfaces should be adequately compensated.

4.2.2 5 Objections (summary of reasons):

- ☐ Potential impact on house sparrows which use the site for nesting, and which are a redlisted species.
- ☐ Concerns over turning space for busses due to change in vehicular access and with cars parked along road.
- ☐ Concerns of impact of two storey dwelling cutting off light to nearby

properties.

- ☒ Impact on conservation area by loss of part of stone wall.
- ☒ Concerns about overlooking of neighbouring properties.
- ☒ Concerns over impact on local flooding, due to loss of infiltration on this area of land.
- ☒ Design out of keeping with area.
- ☒ Loss of trees which form part of the character of the area and contribute to landscape character of the town. (Much Wenlock Tree Forum)

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Land drainage
Highway safety and parking
Ecology
Financial contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is located within the development boundary of Much Wenlock where residential development on appropriate sites will be permitted under saved policy H3 of the Bridgnorth Local Plan. Core Strategy policy CS3 also identifies Much Wenlock as a settlement where open market housing may be permitted on appropriate sites. Policy H4 of the Much Wenlock Neighbourhood Plan (MWNP) which states that "Housing infill development and the conversion of existing buildings to residential use will be supported where they contribute positively to local character and where they help to meet local housing needs. Within the conservation areas of Much Wenlock and Bourton infill development should conserve or enhance the special architectural and historic character of these settlements."

6.1.2 Core Strategy policy C6 requires all new development to be designed to a high quality using sustainable design and development techniques and achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. Policy SCC1 of the MWNP requires all new development to be constructed to code 4 sustainable homes standard.

6.2 Siting, scale and design of structure

6.2.1 Issues such as the appropriateness of the design of the proposed dwelling are to a degree subjective, with for example the Town Council raising concerns over the Georgian inspiration of the design and questioning whether this is appropriate in this area of the conservation area. The Civic Society and third party comments have also raised this issue.

6.2.2 The Council's Conservation officer, whilst not objecting in principle to a dwelling on this site, also took issue with aspects of the design, particularly the way the dwelling sat in the townscape and addressed the public car park, as well as with

- aspects of the design which whilst taking Georgian inspiration did not accurately reflect the proportions and characteristics of Georgian architecture.
- 6.2.3 In response to these issues, and also to take into account the presence of trees on the site which are considered to contribute to the character and amenity of the area, the design was amended to result in the current proposal.
- 6.2.4 The Council's arborist is satisfied that the site layout and tree protection measures outlined in the application would be sufficient to ensure that the trees on site which contribute to the character of the area, would be protected and would not compromise their continued contribution to the amenity of the area should the application be permitted.
- 6.2.5 The dwelling would be located back from the High Street, and only visible from people travelling along the High Street for a short section, mainly as a side view, and so does not directly relate to the frontage development along the High Street. Despite this the property would occupy a fairly prominent position, being located so that it would be clearly visible above the boundary wall of the public car park, and in a position which would frame the view of anyone turning along Back Lane from the High Street.
- 6.2.6 Whilst the High Street has a characteristic urban form, that of a narrow street with properties in a terraced form opening up directly onto the pavement, this is not the case along Back Lane, which quickly changes into more modern residential properties which have a more irregular layout, the junction between the High Street and Back Lane representing a break from the more enclosed terraced form of development along the High Street due to the public car park and street side trees and planting at this location.
- 6.2.7 Whilst the High Street has a fairly well defined urban form, it lacks a cohesive architectural style, and is instead a mix of varying building forms from smaller terraced dwellings, to larger commercial properties, and with a range of materials which includes bricks both plain and painted, and timber framing with rendered infill.
- 6.2.8 It is into this context that the proposed dwelling would be inserted. With a range of development types and materials in the area, and the position of the site on the transition between the more historic core and the later expansion of the settlement, the site has potential for a range of design approaches, the success of which depends on the quality of the individual proposal and its implementation.
- 6.2.9 Whilst this part of the conservation area is not predominantly Georgian in style, the conservation area as a whole has dispersed Georgian development on individual sites which are surrounded by older development, most likely a result of later development taking advantage of sites becoming available within the historic core. As such it is not considered that development of this style is automatically out of keeping on this site. The dwelling would be set back from the main frontage of the High Street and partially screened by the boundary wall onto the car park. The Council's conservation officer has commented that the amendments made to the proposals give a much stronger response to the townscape of Much Wenlock and the constraints of the site.

- 6.2.10 In considering this application the committee will have to decide if they consider the design appropriate to the setting of the site, its position in the conservation area and its impact on the townscape and appearance in the street scene. If permission were to be granted, conditions could be attached to control the materials, details and finish of the property in order to ensure a high quality development was delivered.
- 6.2.11 The plans show the dwelling located to the south side of the site, with the northern section laid out as garden/amenity space. Both the Core Strategy, though adopted supplementary planning guidance, and the MWNP state that new dwellings should provide adequate amenity space commensurate with the scale of the property. Whilst the dwelling is relatively large, the curtilage would be proportionately scaled, and provide a significant amount of private garden/amenity space for the occupants.
- 6.2.12 Given the location of the dwelling towards the southern side of the site, and taking account of the existing trees and vegetation, the proposed dwelling should not have a significantly adverse impact on the amenity of neighbouring residential properties by reason of loss of light. The main impact would be on No.1 and 3 Back Lane, where the proposed garage would be close to the boundary with No.3, however the garage would have the eaves to its 45 degree pitched roof set just above the heads to the doors and situated at the end of the garden away from the dwellings and so direct impacts on these properties would be limited, although the garage and dwelling would be clearly visible from these neighbours. The window arrangements on the proposed dwelling would not result in significant overlooking to an extent which is beyond what can reasonably be expected for properties in a town centre location.
- 6.3 Land drainage
- 6.3.1 The Council's land drainage section has identified the site as being shown on the pluvial flood map as having some risk of surface water flooding, as well as being located within the Much Wenlock Critical Drainage Area. As such additional information was sought from the applicants with regards to how the site would be drained and surface water managed.
- 6.3.2 The applicant has provided details of an attenuation system designed to intercept and store surface water, and then release it in a managed way. The Council's land drainage section has advised that the plans and specifications of the system are acceptable and would provide adequate water management for the site. A condition requiring submission of the exact system proposed and its implementation prior to occupation of the development could be attached to the decision notice if permission is granted.
- 6.4 Highway safety and parking.
- 6.4.1 The new vehicular access onto the public highway would be formed onto Back Lane which is an unclassified road that is mainly residential in nature. The Council's highways development control officers consider that the layout proposed for the new access is satisfactory from a highways point of view and that vehicle

movements on/off the public highway via this can be executed without compromising highway safety. The plans show the provision of a double garage and an area of parking/turning space in front of this which would be adequate to provide the 2 off street car parking spaces required by policy H6 of the MWNP.

6.5 Ecology

6.5.1 A number of comments have been received with regards to the potential impact of the development on protected species, in particular the impact on birds using the site for nesting. The Council's Ecologist has been consulted on the application as has raised no objection to the development, but suggested a condition be attached to any condition to require the installation of bird nesting boxes as part of the development to ensure that nesting opportunities for wild birds are retained.

6.6 Financial Contributions

6.6.1 Policies CS8 and CS11 require that all new housing development make contributions towards infrastructure provision and affordable housing. Currently the rate for affordable housing contribution in this area is set at 20%, but the rate applicable in this case would be that in force at the time the application was validated, which was 13%. This would be secured via a section 106 legal agreement if permission is granted. A contribution would be payable on implementation of any consent with regards to community infrastructure levy. In addition to this all new housing development attracts a payment under the New Homes Bonus. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 6 years. It's based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use.

7.0 CONCLUSION

7.1 It is considered that due to the nature of the site, which forms the transition between the historic narrow High Street and the more modern development along Back Lane, the development site does not directly relate to the frontage development along the High Street and so the site has potential to accommodate a range of design approaches. The proposal takes inspiration from Georgian architecture which can be found pepper potted around the town, and subject to conditions to ensure a high quality delivery, the proposed dwelling would not look out of place in the street scene, nor detract from the character of the conservation area. The amended plans ensure protection of trees which add value to the amenity of the area and the applicant has demonstrated the site can adequately deal with surface water resulting from the development.

7.2 For the reasons outlined above the proposed development is considered to comply with the policies set out in the Core Strategy and the Much Wenlock Neighbourhood Plan, and it is recommended the committee resolve to grant planning permission subject to the completion of a Section 106 legal agreement to secure a contribution towards Affordable Housing provision.

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

National Planning Policies:

National Planning Policy Guidance

National Planning Practice Guidance

Shropshire Core Strategy:

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Supplementary Planning Guidance:

Type and affordability of housing

Much Wenlock Neighbourhood Plan 2013-26

H1 Affordable housing

H4 Housing infill development and conversions

H6 Parking for housing developments

RF1 Surface water drainage

RF2 Reduction in flood risk

RF3 Water discharge from dwellings

RF6 Permeable surfacing

GQD2 Design

SCC1 Energy efficiency

RELEVANT PLANNING HISTORY:

BR/89/0763 USE OF GARAGE/STORE AS A DWELLING GRANT 11th September 1989

BR/94/0513 RENEWAL OF PERMISSION 89/0763 FOR USE OF GARAGE/STORE AS A DWELLING GRANT 30th September 1994

BR/99/0860 REMOVAL OF CONDITION 4 OF PLANNING PERMISSION 94/0513 TO ALLOW GARAGE TO BE USED AS OFFICE/STUDY SITTING ROOM AND HALL AND AMENDMENTS TO EXTERNAL DOORS AND WINDOWS REF 8th February 2000

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

Design and Access Statement

Arboricultural Impact Report

Stormwater Management – Attenuation Design

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Turner

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. Details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority before any works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area.

5. Details of the brick bond and type shall be first agreed in writing by the Local Planning Authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be approved in writing by the Local Planning Authority before the commencement of works.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area.

6. Details of the roof construction details including details of eaves, ridges, valleys and verges, as well as details of all roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area..

7. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area.

8. The development shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Terry Merchant, 22/05/13 and 17/02/14) and the Ground Protection Plan (registered 18/02/14).

Reason: To protect significant trees from damage during implementation of the approved development.

9. Prior to commencement of development, the approved tree protection measures shall be installed and thereafter maintained in a satisfactory condition throughout the duration of the development. The tree protection measures shall not be breached or moved, even temporarily, without the prior written agreement of the Local Planning Authority.

Reason: To protect significant trees from damage during implementation of the approved development.

10. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Such a programme must be prepared and carried out under the supervision and with the agreement of an archaeologist approved in writing by the Local Planning Authority.

Reason: The site is known to be in an area of archaeological importance.

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

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

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

11. A total of 2 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.

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

13. The access shall be constructed in accordance with the approved drawing prior to the development hereby approved being first brought into use.

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

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

14. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character of the Conservation Area.

Informatives

1. Policies material to the determination of this application:

National Planning Policies:
NPPF

Shropshire Core Strategy:
CS3, CS6, CS9, CS11, CS17, CS18

Supplementary Planning Guidance:
Type and affordability of housing

Much Wenlock Neighbourhood Plan 2013-26
H1, H4, H6, RF1, RF2, RF3, RF6, GQD2, SCC1

2. 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.
3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

4. The alterations to the highway kerbing and footway, required to facilitate vehicular access across the footway, shall not commence until the applicant has obtained a Highways Act, Section 184 licence issued by the Highway Authority to undertake the works. Details of how to obtain this licence, the fee charged and the specification for the works are available on the Council's web site.
5. Consent is required from the service provider to connect into the foul main sewer.
6. 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 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.

7. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
8. 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.
9. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be

undertaken and what types of names and numbers are considered acceptable to the authority.

10. The new dwelling should be constructed to a minimum of an equivalent to the Code for Sustainable Homes level 4.

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<u>Committee and date</u>
South Planning Committee
24 June 2014

<u>Item</u>
8
Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 13/01983/FUL	<u>Parish:</u> Morville
<u>Proposal:</u> Erection of 2 no. wind turbines up to a height of 80.0m to tip and associated infrastructure including new access tracks, one control building, (amended to 77m tip height)	
<u>Site Address:</u> Criddon Hall Farm, Criddon, Upton Cressett, Bridgnorth, WV16 6UJ	
<u>Applicant:</u> Sharenergy	
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmse@shropshire.gov.uk



Recommendation:- Refuse Permission for the following reason:

The scale and location of the proposed turbine would have an unacceptably adverse effect on the character and scenic quality of the local landscape, on the setting of local heritage assets including Upton Cressett Hall and also on local amenities and leisure and tourism interests, including equestrian use of the Jack Mytton Way. This would be contrary to the objectives of Core Strategy Policies CS5, CS6, CS13, CS16, CS17 and sections 28 and 109 of the National Planning Policy Framework.

1.0 THE PROPOSAL

- 1.1 It is proposed to construct and operate two wind turbines together with associated infrastructure including foundations, transformer and crane hard-standing areas; and new on-site access tracks. Each turbine would have a generating capacity of between approximately 0.5 and 1.0 MW, resulting in a total capacity of up to 1.5 MW.
- 1.2 The proposals as originally submitted specified a height of 80m for each turbine but the applicant has recently reduced this to 77m in order to address an objection by the MOD. Other associated infrastructure would include foundations, transformer/switchgear building, crane hard standing areas, new access tracks and underground cabling. The planning application site area is 50 ha but the finished operational site would consist of approximately 0,7 ha, leaving the remaining land undisturbed.
- 1.3 The finish and colour of the wind turbines is likely to be semi-matt and pale grey and the wind turbines will be of a variable speed type, so that the wind turbine rotor speed will vary according to the energy available in the wind. The wind turbines will have a rotational speed of between approximately 8 and 20 revolutions per minute (dependent on variations in wind speed). The sections of new access track that will be built will be constructed using type 1 material. Any excavated material will be spread alongside the tracks and re-graded to the existing ground levels and reseeded to minimise the visual impact.
- 1.4 The turbine delivery vehicles will constitute abnormal loads during delivery to the site turbine components would most likely be delivered by and transported to site via the M54 at junction 4 continuing on to the A464, A442, A458, B4364 and the minor road to the site. Approximately 24 abnormal load trips would be required, associated with wind turbine component delivery towards the end of the 30 approximate week construction period. During the approximate 30 week construction period vehicular access to site would also be required for:
- Low loaders and other heavy goods vehicles to deliver equipment and plant;
 - 20-tonne lorries, to deliver/move material and stone for access tracks;
 - Flat-bed lorries to deliver control building components;
 - Extendable semi-low and platform trailers to deliver turbine components (requiring private or police escort);
 - Cranes delivered as mobile units and on low-loaders;
 - Deliveries of fuel and water by tanker; and
 - Construction personnel, by private car, light vehicles or minibus.

- 1.5 Up to 15 workers would be on site at any one time during the construction phase. The operational site would generate occasional routine maintenance visits by a small four wheel drive vehicle. There may be an occasional need for an HGV / road-going crane or similar to access the site for heavier maintenance and repairs.
- 1.6 An existing track leads to the proposed access point from the public highway. The junction with the minor road may need to be suitably surfaced. An estimated 400 m of onsite access tracks would also be required to provide access within the site. These would be constructed of stone chippings on geotextile to a width of up to 5m. The edges of the tracks would be allowed to re-vegetate following construction. The track layout has also been designed to complement existing agricultural activities onsite.
- 1.7 There are two public rights of way which run through the planning application red line site boundary, The proposed wind turbines are located well outside of either the oversail or 'fall over' distances from these public rights of way. The 'Jack Mytton Way' does follow the existing access track that would be used to access the site of the proposed turbines for the temporary construction period. Any disruption to users of this right of way would therefore be temporary. The construction compound would be used for storage and parking of vehicles to prevent obstruction of the right of way. The Applicant is also proposing to offer an alternative of additional permissive route running through the north west part of the site, located approximately further 50-75m further away from the proposed turbines.
- 1.8 The development is a community led scheme (the 'Crida Community Wind Project') which the applicant advises has been jointly developed with Sustainable Bridgnorth, a local voluntary environmental organisation, It is stated that the local community has been involved in all stages of the environmental assessments, and will continue to work with the Applicant throughout the planning and post-planning stages of the Development.

2. SITE LOCATION / DESCRIPTION

- 2.1 The site lies approximately 1.6 km south east of Upton Cressett and 3.5km west of Bridgnorth. The turbines would be sited on a ridgeline c.350m apart at an elevation of approximately 180 and 195 m AOD. The Application Site and surrounding area mainly comprises agricultural land interspersed with areas of woodland. A road approximately 650 m to the south of the proposed turbine locations would serve the development via an existing access and new access tracks. The B4364 is approximately 1.6 km to the east, and the A458 Bridgnorth by-pass is located approximately 3,5km to the east. The layout of the Development is shown in Drawing 002 accompanying the planning application.
- 2.2 The easternmost of the 77m turbines would sit on the top of a ridge which stands 110m above the level of land at the Mor Valley to the immediate east. The western turbine would be 310m south west and 20m lower on the south-east facing slope of the minor valley which leads to Upton Cressett.

3. REASON FOR COMMITTEE

- 3.1 The Parish Council has objected to the proposal, and following consultation with the Development Manager the application is referred to the committee for determination.

4. CONSULTEE RESPONSES

- 4.1 Morville Parish Council – Objection.

- 4.2 Neenton Parish Council (nearby parish council): Objection. I write to you as Chairman of Neenton Parish Meeting in connection with various proposals for industrial-sized wind turbines in neighbouring parishes, including those that are the subject of the following planning applications:

- Upton Cressett (13/01983/FUL)
- The Down (13/02194/FUL)
- Upper House Farm, Chetton (13/0253/SCR)
- Middleton Priors (13/03126/FUL)
- Upton Park Farm, Upton Cressett (13/0319/SCR)

Our Parish Meeting discussed these proposals at its meeting on 27th August. There was real concern and a unanimous view that such developments would be highly prejudicial to both quality of life and the economy of the local area of which Neenton is a part. In particular, the siting of these turbines in prominent positions on high ground would destroy the unspoiled character of the local landscape, ruining its appeal both for local people as well as for tourists looking to this part of Shropshire as a place of escape from the modern built environment. Such turbines sited on local hills as proposed would not only deter the many visitors who approach the area from the east by blighting the landscape in front of the Shropshire Hills AONB, they would blight the AONB itself. The AONB was designated in part in recognition of the outstanding panoramic views from places such as Brown Clee Hill, the highest point in Shropshire. The proposed turbines would sit in the middle of the view north-east across the midland plain, obscuring it and destroying its appeal and thus seriously diminishing the qualities of the AONB. Neenton is presently engaged on an ambitious project to regenerate the village and our surrounding area and the ability to attract visitors and tourists is critical to the success of that endeavour. We urge you in the strongest possible terms to reject these proposals, and any others of a similar ilk that may appear, because of the damage even one of them would do to the character and quality of the landscape that the Shropshire Core Strategy recognises to be Shropshire's greatest asset.

- 4.3 English Heritage: Objection:

- i. Setting makes an important contribution to the significance of the group of designated heritage assets at Upton Cressett. The proposed development is within that setting and would cause harm to the significance of the historic environment. English Heritage Advice Two turbines are proposed, south east of Meadowley, sited on locally high ground, one at about at 180metres and the other at about the 195 metre contour. They would be about 350 metres apart and 80 metres tall. The proposed location of the turbines is about 1.6 km to the east, and within the

setting of a group of highly designated heritage assets clustered together in a manorial complex at Upton Cressett. They are: Upton Cressett Hall (Grade I listed); Upton Cressett Gatehouse (Grade I listed); the former St Michael's Church, Upton Cressett (Grade I listed); and the Moated Site and Fishponds, Upton Cressett (Scheduled Monument). Two further sites are detached from this group, namely a Roman Wayside Settlement (a Scheduled Monument about 650 metres to the west of Upton Cressett Hall), and St Giles' Church, Chetton (Listed II* located about 1.5 km to the south west of the nearest turbine). Each of the assets at Upton Cressett has particular significance, but because they are also closely interrelated this adds to the overall significance of the manorial complex as a whole.

- ii. Significance of Upton Cressett: The Romanesque chancel arch of St Michael's Church indicates Anglo-Norman origins for the medieval manorial complex. The adjacent moated site was probably constructed in the high Middle Ages on a gentle hillside offering wide views to the south-east, and is likely to be partly contemporary with the adjacent medieval village site. The original manor house was replaced with the present half-timbered house in the mid C15. The house was encased in brick, and a detached brick gatehouse added in 1580. The complex includes remarkable historic fabric spanning the period C12-C16. Upton Cressett has a strong association with the Cressett family, significant members of the Tudor and Stuart Royal Court, involved in numerous national events. The manor was associated with a deer park, although its exact extent has not been defined within the present landscape. From available evidence, however, it is most likely that the proposed location of the turbines is not within the former park. The complex is, in our view, designed to take advantage of views to the south and east. These views remain essentially rural without significant C19 and C20 influence. This setting is important to the significance of Upton Cressett as it contributes to a strong sense of remoteness and tranquility which enhances the quality of design and composition. The spiritual value of St Michael's and St Giles' Churches is enhanced by this sense of remoteness.
- iii. Impact on significance: The turbines would introduce new, large, industrial elements into the setting that would result in harm being caused to the significance of the Upton Cressett manorial complex because of their contrasting scale, appearance and movement that would diminish from the experience of this unusual and sensitive historic environment complex.
- iv. Planning and legislative context: English Heritage's assessment of the proposal rests on the Planning (Listed Buildings and Conservation Areas) Act 1990; the Government's planning policies as set out in the National Planning Policy Framework, the Development Plan and relevant guidance. NPPF policies 6,7,8,9 and 17 outline that heritage assets should be conserved in a manner appropriate to their significance, and that proposals that do not conserve are not sustainable development unless outweighed by another competing objective, and, avoidance of conflict between competing objectives has been sought. In terms of the NPPF the tests of paragraph 17, 131, 132, and 133 and 134 are also relevant in terms of the impact upon setting.
- v. Recommendation: Having considered those tests in overall terms, we consider that the significance of the Upton Cressett assets would be harmed by the proposed

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Committee and date
 South Planning Committee
 24 June 2014

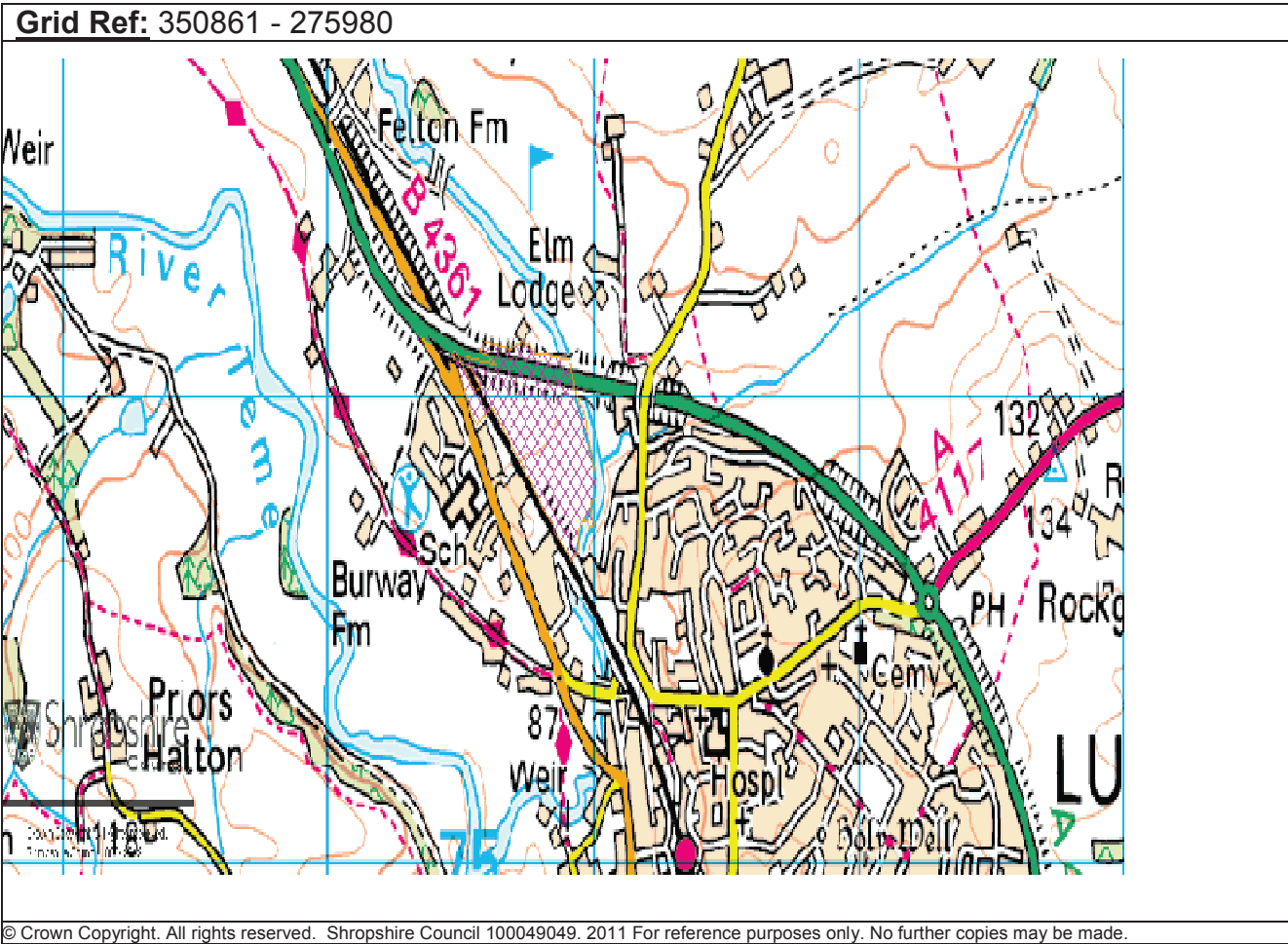
Item
9
 Public

Development Management Report

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

Summary of Application

Application Number: 13/03862/OUT	Parish:	Ludlow Town Council
Proposal: Outline application for residential development (up to 215 dwellings); public open space; highways works; access roads and pedestrian footbridges; and a Neighbourhood Store (Class A1 Retail) not exceeding 300 sq.m internal floorspace, associated engineering and accommodation works.		
Site Address: Proposed Residential Development South Of A49 Ludlow Shropshire		
Applicant: Tesni Properties Ltd		
Case Officer: Julie Preston	email: planningdmsw@shropshire.gov.uk	



Recommendation:- Grant Permission subject to a section 106 Agreement to secure the provision of affordable housing and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is an outline planning application for:

- Up to 215 dwellings (illustrative plans show 211 dwellings - a mix of 51 no. 2 bedroom, 102 no. 3 bedroom, 54 no. 4 bedroom dwellings and 4 no. 5 bedroom)
- Public open space (approximately 3 ha in size and forming a riverside park)
- Access roads (including a new roundabout on the A49 and an access to Bromfield Road to serve development west of the railway line).
- Highway works
- Pedestrian footbridges over the River Corve and railway line
- Neighbourhood store (Class A1 Retail) not exceeding 300 sq m.

The means of access is a matter for consideration at this stage but all other details of the scale, layout, appearance and landscaping would be the subject of a 'Reserved Matters' application. The application was the subject of a consultation exercise with the Town Council and local residents prior to submission.

- 1.2 The application is accompanied by a comprehensive set of reports dealing with flood risk, traffic impact, heritage assets, landscape impact, traffic noise, ecology and trees. The application has been amended in the course of negotiations with the Highways Agency to propose access to the site from a new roundabout on the A49 rather than slip roads on either side of the road.
- 1.3 The proposal has been advertised as a major application and as a departure from the development plan. Site notices have been posted and over 70 letters sent to neighbouring properties.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located on the north western fringes of Ludlow and is contained by the A49 embankment to the north and Bromfield Road and the railway to the west. The River Corve adjoins to the eastern and southern boundaries. The site is around 12 ha in size and comprises a small enclosed paddock fronting Bromfield Road and a much larger triangular shaped parcel of grazing land to the east of the railway line, with vehicular access via an unmanned level crossing off Bromfield Road.
- 2.2 The south eastern portion of the site lies in flood zones 2 and 3 of the River Corve. There are no Public Rights of Way within the site and no other relevant constraints or designations.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The application is a major departure from the development plan and in the opinion of the Planning Services Manager, it should be determined by the Planning Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Public Protection – Specialist

Having reviewed the Environmental Noise and Vibration Assessment prepared by noise.co.uk dated 27th August 2013 report number 14151-1 I have the following comments.

Vibrations have been measured and found to be below the threshold that is likely to generate any complaints. As a result I have no further comment however I would note that I would recommend that in future PPV readings are also supplied with any application.

With regard to noise I am satisfied that the data provided is sufficient. However, the report has based its recommendations for the level of mitigation on reasonable standards in bedrooms at night taken from BS8322 which equates to an internal noise equivalent to 35dB. World Health Organisation Guidelines on Community Noise 1999 states that the target level for internal noise in bedrooms is 30dB. As a result I would recommend that this is used as the target level.

As a result it is noted that houses marked in red in Appendix G:-glazing mark-up of the report will have an LAeq that meets the target level however properties marked in blue on the same diagram will have an LAeq of 33.5 dB with the glazing specified. I would like the applicant to consider a higher specification glazing for bedrooms marked blue on the above diagram in order to bring the predicted noise level closer to the target level. This would be more than achieved if the same glazing for bedrooms marked in red were used (6/100/4) however there may be a more cost affective solution.

I would also point out that windows must be closed in order to achieve the noise levels stated in this report. Therefore ventilation measures must be proposed to all rooms noted in the assessment that does not compromise the predicted noise levels achieved by suitable glazing in order to allow adequate ventilation with windows closed.

I recommend that a condition is placed on any permission requiring the submission of a scheme of noise mitigation.

In regards to air quality with any residential development this service would advocate the inclusion of electric vehicle charging points to be located into proposed residential properties. This encourages sustainable transport uptake by

future occupants which will help to reduce air pollution wherever those vehicles may travel.

4.1.2 **SC Conservation (Historic Environment)**

The proposed development site sits outside of and to the north of the town and Conservation Area of Ludlow. The site is also a distance away from listed buildings.

However due to the large scale of development here and it being prominent in terms of accessing the historic town, appreciation should be taken into account of the views in to the town and to iconic features in the historic landscape, specifically the Church and the skyline of the buildings in the town. Development at access and entry points should be of high quality design and materials, picking up on the local vernacular and interesting details seen on other buildings in this area.

4.1.3 **SC Highways DC**

Principle of Development

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 Ludlow Town Centre, and local amenities including the local Primary School and Leisure Centre. However, Shropshire Council as Highway Authority would raise concerns with regard to the restricted vehicular access to the site, with the majority of the development being accessed off the Trunk Road Network and the desirability of the proposed pedestrian and cycle accesses to the site.

Proposed Vehicular Access – A49

All technical details associated with the proposed access off the A49 are subject to the approval of the Highways Agency and will not form part of these comments.

Proposed Vehicular Access – Bromfield Road

Shropshire Council as Highway Authority would raise no objection to the proposed access off Bromfield Road. The proposed junction layout shown on Drawing J244/A49 Footpath RT/FIG 3 is not in accordance with The Traffic Signs and Regulation and General Direction 2002, the junction arrangement will require further consideration, areas of hatching marking will need to be removed to reduce driver confusion for vehicles travelling towards the A49. All details should be submitted and approved prior to commencement of works on site.

Pedestrian and Cycle Access 1 (Bromfield Road)

The proposed inclusion of the above mentioned pedestrian access is welcomed by the Highway Authority in order to promote sustainable travel from the site. In view of the proposed vehicular access to the site, it is anticipated that the proposed link over the railway will provide a useful link, making the proposed development more acceptable in Highway terms.

However, it is recommended that consideration is given to ensuring that this route is of sufficient width and is adequately light to ensure that the use of the route is maximised. The link should be constructed and open for use prior to first occupation.

Pedestrian and Cycle Access 2 (Fishmore View)

The proposed inclusion of the above mentioned pedestrian access is welcomed by the Highway Authority in order to promote sustainable travel from the site. It is anticipated that the proposed link across the River Corve will provide a useful link and makes the proposed development more acceptable in Highway terms. It is recommended that the construction of the proposed link is extended across the River to Fishmore View to ensure that the route is suitable for use throughout the year, not just in dry weather.

Construction details of this scheme are submitted prior to commencement of the development, any pedestrian and cycle route should be adequate light, to ensure that the route is used to its full potential. The link should be constructed and open for use prior to first occupation.

Passenger Transport Links

Section 4 of the submitted Transport Assessment identifies the existing Public Transport Services within the vicinity of the site. The Transport Assessment recommends that further consideration should be given to enhancing the Town Centre Circular Service 704.

Passenger Transport within the Ludlow area and throughout Shropshire is currently under review. It is considered that there would be sufficient benefit in considering extending the existing bus service to incorporate the proposed development, to promote sustainable travel to and from the site, and encourage residents to use local amenities within Ludlow.

However, the enhancement of any services should be considered as part of an overall review of Passenger Transport within the Ludlow area. Potential funding may be available through the Community Infrastructure Levy allocated for Strategic Improvements.

Reserve Matters Application.

In the event the submitted Planning Application is successful, and a Reserve Matters Application is submitted, details of the proposed type of housing and levels of proposed parking should be submitted.

Further details will be required with regard to the proposed retail unit with regard to deliveries and levels of proposed parking.

Conditions

It is recommended that three conditions are attached to any permission granted and these are included in the recommendation.

4.1.4 **SC Ecologist**

The updated Ecological Assessment dated 22nd November 2013 includes the results of additional bat, crayfish, otter and water vole surveys undertaken in 2013. The 21st March 2014 update relates to the amended access arrangement now involving a new roundabout. The amended Site Layout Plan A537-07G now excludes the proposed road crossing of the River Corve, replacing this with a roundabout on the A49.

The email dated 2nd May 2014 from Atmos Consulting states that “we don’t envisage any direct impacts on white clawed crayfish, otter, water vole or salmonids. Potential remains for indirect impacts through siltation of the water

course during construction, however it is assessed that the adoption of standard good practice environmental protection measures would be sufficient to prevent any indirect impacts from occurring.

Lighting will be minimised and there will be no floodlighting of the bridge. Lighting will be restricted to the low level illumination of hand rails and/or entry/exit bollards. Therefore we do not predict any significant light spill which could disturb commuting or foraging bats.”

It is recommended that at Reserved Matters stage environmental protection measures are proposed to prevent impacts on the river during construction. A condition to this effect is recommended:

Protected sites and Environmental Networks

Off-site approximately 1220m downstream to the south east the River Corve flows into the River Teme SSSI. Natural England has commented that the proposed development will not damage the SSSI. The amended Site Layout Plan A537-07G now excludes the proposed road crossing of the River Corve, replacing this with a roundabout on the A49. From an ecology perspective this reducing the possible impacts on the river and on species using it, including otters and white-clawed crayfish.

In respect of Environmental Networks, the revised layout now shows a wide buffer to the River Corve with additional planting intended. There will be a loss of the existing plantation beside the A49, but Atmos (2014) recommend minimising tree removal and seeding areas with a wildflower mix to maintain connectivity.

Bats

The updated Ecological Assessments (November 2013 and March 2014) now assesses the roosting potential of structures and trees on site. Eight trees were considered to have moderate-high potential to support bat roosts. (T1, T16, T21 and T22). In addition the underside of the A49 flyover bridge could be potentially used by crevice-dwelling bat species.

If the trees identified as having high or moderate potential to support bat roosts (T1, T16 and T21) have unavoidably to be lost then it is recommended that further survey is undertaken on them to establish whether bat roosts are present. T16 is a dead oak tree so is unlikely to be retained and should be surveyed. T21 is a veteran oak tree and preferable to retain as advised by the Tree Service.

A condition on control of lighting to prevent impacts on bats will be required. Bat boxes or bat bricks could be included within development proposals to provide roosting opportunities for common bat species such as pipistrelles.

Otters and water vole

An otter survey is reported in the updated Ecological Assessments. Two old otter spraints were noted approximately 10m upstream of the A49 bridge. No field signs

for water vole were found and the River Corve is sub-optimal for this species close to the application site.

Due to the removal of the original access road proposal immediately adjacent to the river, Atmos (March 2014) consider the development is unlikely to affect either species. However the impact of installing a new pedestrian bridge over the river should be assessed. It may be necessary to mitigate potential impacts on otters by restricting hours of work to avoid their active period.

White-Clawed Crayfish

Atmos (March 2014) acknowledge that white-clawed crayfish are known to use the River Corve in close proximity to the site but that the banks under the bridge where the proposed access road was to be located are unsuitable for the species. They are constructed of concrete with no crevices that white-clawed crayfish could burrow into.

Due to the removal of the original access road proposal immediately adjacent to the river, Atmos (March 2014) consider the development is unlikely to affect white-clawed crayfish. However the impact of installing a new pedestrian bridge over the river should be assessed. It may be necessary to mitigate potential impacts on white-clawed crayfish.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds. A condition and informative are recommended.

4.1.5 **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.

From the 1st September 2013 the current prevailing target rate for affordable housing for this area is 15%. The application currently shows 13% and a split between affordable rented and intermediate housing as 50/50. The preferred 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 Council's prevailing Allocation Policy and Scheme.

4.1.6 **SC Archeology (Historic Environment)**

Background to Recommendation:

The proposed development site lies to the north of Ludlow on land adjacent to the River Corve approximately 750m before its confluence with the River Teme. There are no known heritage assets within the proposed development boundary,

however, the Site of a chapel c100m north of the Electricity Sub Station (HER PRN 01773) dated to the 12 -14century, lies just outside the boundary with tithe map evidence within the development boundary supporting these findings. Additionally land north-west of the proposed development located between the Rivers Teme and Corve contains evidence of Bronze Age settlement and funerary practice.

The applicant has commissioned an archaeological desk based assessment and heritage impact assessment (ARS Ltd Report 2013/106) for the development proposal. The assessment concluded that, in terms of the setting of heritage assets, there would no adverse impacts on the setting of designated heritage assets resulting in loss or harm to their significance. It also identified four examples of archaeological remains within the site that are of local significance only and provide evidential value of post-medieval agricultural practice, some of which could be retained within an area of public open space.

In respect of previously undiscovered archaeology, the report identified a moderate to high potential for archaeological remains to be present within the development boundary based on its location and other archaeological sites in the surrounding area. The report suggested that further investigation by geophysical survey and trial trenching would establish if any previously undiscovered archaeological remains survive within the site.

A programme of geophysical survey has been undertaken within the site boundary that has identified some anomalies likely to be associated with agricultural practice and two additional unresolved anomalies that may have more archaeological significance but which are limited in extent.

I confirm that the archaeological desk based assessment (ARS Ltd Report 2013/106) and the subsequent geophysical survey provides a satisfactory level of information about the archaeological interest of the site to permitted post determination mitigation of the archaeological interest.

In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work, be made a condition of any planning permission for the proposed development. An appropriate condition is included in the recommendation

4.1.7 **SC Drainage**

Drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is to be granted.

The pre and post development surface water calculations are acceptable. These should be confirmed when the final layout is completed.

As stated in paragraph 13.6 of the January 2014 Flood Risk Assessment, infiltration tests in accordance with BRE 365 should be carried out to determine whether the ground is suitable for soakaways.

Confirmation is required that the design has fulfilled the requirements of Shropshire Council's 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.

4.1.8 **SC Rights Of Way**

The proposal does not affect any recorded public rights of way.

4.1.9 **SC Planning Policy**

To avoid repetition, the comments of the Policy Team are incorporated into the text of the officer's appraisal and the conclusion of their comments is presented here.

It is considered that more 'weight' should be given to the NPPF in light of the Council's five year supply position, and that limited 'weight' be given to the Council's Core Strategy/Local Plan policies concerning housing supply. Therefore whilst the proposal is a departure from the Local Plan and the emerging SAMDev Plan, this issue alone should not be used as a reason for refusal in this case. Notwithstanding the NPPF's approach when a five year land supply cannot be demonstrated, development proposals still need to be assessed on their own merits against the principles of the NPPF and Development Plan as a whole. Paragraph 14 of the NPPF states that within the context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits. It should be recognised that as this proposal is an outline application a detailed assessment on the sustainability of the site's layout and design is difficult. However, the detailed means of vehicular access is included within the application and the implications for future residents needs careful consideration.

4.1.10 **SC Trees**

These comments are essentially a reiteration of the SC Trees comments dated 31/10/14, but with a change to paragraph 4.1.3 where tree 21 is mistakenly identified as T5 in the 2013 representation. The revised plan 20600/R2/Rev2 will result in differing impact on the trees along the access route but does not address the arboricultural points raised previously, with that in mind the Tree Service will be raising a Tree Preservation Order on Trees T1, T3, T5 & T21.

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.

1 The plans statements and particulars submitted with this outline application indicate a willingness to retain trees and other valuable landscape and natural environment features, which is commendable; and in Principle subject to the following considerations being addressed the Shropshire Council Tree Service has no sustainable objection to the principle of development at this site.

2 HEDGEROWS

There are a number of mature hedgerows at site, the indicative plan shows elements of these being incorporated into the landscape of the development proposal this has some merit but the longevity of these native species hedgerows in domestic gardens is questionable. The incorporation of new sections of native species hedgerow abutting the retained open space would be beneficial.

3 A49 ACCESS

The loss of existing landscape from the A49 embankments is integral to this proposal in order to create access. Section 3.18 of the tree survey report indicate the potential for replacement planting with amenity space identified on the indicative site layout for the A49 west bound junction, there is no indication of planting in or around the east bound junction and subsequent drive. A full application would need to give comprehensive detail on how landscape planting would enhance rather than just compensate for lost amenity.

4 INDIVIDUAL TREES

As identified in the tree survey report (ref. 20600/R2/Rev2) There is only a small number of significant trees on site, of these trees T1, T3 T5 & T21 are of particular importance and merit retention within any development at this site.

4.1 T1 & T3 are key roadside trees at the entrance to Ludlow, they play a present and future role as gateway trees and therefore merit every measure to ensure their sustainable retention. Tree T5 (DBH 93cm – RPA 408m/sq / radius 11.4m) is a good specimen with long-term amenity potential. It is identified on the indicative layout in a space probably appropriate for its sustainable retention. Tree 21 is a veteran tree and a historic asset worthy of retention in an appropriate space.

4.1.1 (T1 - DBH of 106cm). This mature tree has would require a minimal root protection area (RPA) of 5.19m/sq as a circle this area would initially have a radius of 12.9m. Taking the position of the tree with a main road on its west and open pasture to its east it is predictable that it has an asymmetric rooting habit that favours the more hospitable open ground to the east. The indicative layout shows parking bays close up to the base of this tree a situation that would not be acceptable in a full application. An area of reserved landscape ground 3-4 parking bays width with any other bays on the periphery of RPA following a not dig construction process with a porous final surface might be acceptable if well designed.

4.1.2 T3 (DBH 84cm – RPA 327cm/sq – r10.2m). The proposed development of apartments 1-6 (Bromfield Road development) brings domestic properties very close to this tree. The tree has considerable potential to grow outwards and upwards, interpretation of the indicative layout suggests that there would be long-

term proximity issues with this layout, possibly four rather than six properties would work here.

4.1.3 T21 (DBH 146cm – BS 5837 RPA 770m/sq – R 15m) this tree is a magnificent specimen in the region of 200 to 300 years old, and as a remnant of a previous landscape it is not only an important natural asset but a historic asset as well and has potential through good design to be a key site feature. The indicative site plan shows the tree being retained. Whilst magnificent, this tree has a number of features (cavities cracks and dead wood) that whilst of ecological value also have the potential to propagate concerns regarding tree safety once the site was occupied. Retention of this tree is highly desirable but in a space and situation where it is not a burden and the public is not openly invited into the hazard target area.

The tree service therefore recommend that specific arboricultural recommendations are sought and submitted for this tree, that include the trees retention in a minimum RPA of 15m radius this to be protected during development at the site. To ensure the long-term retention of this tree it needs to be incorporated in to a no access area on the periphery of the open space the tree service would recommend that the tree hazard target area (where people might get hurt) be surrounded by Cheshire railings with a ring of spikey shrubs growing around the railings.

5 LANDSCAPE

The indicative plan shows almost every property with a tree in the front garden. In the tree services experience sustainable planting is better served by having a few key landmark trees set in a bespoke space appropriate for their eventual full growth. Numerous small trees crammed into front gardens frequently become seen as a nuisance and are removed as soon as their crowns start to be of a size where they start to add to the areas amenity.

6 RECOMMENDATIONS

In Principle the tree service has no objection to development at this site, but consider that the small number of tree related issue should be taken into consideration to inform a better fully sustainable final site layout.

7 Further to the standard landscape conditions, the Tree Service recommends three conditions to ensure the trees are protected.

4.1.11 **Network Rail**

Whilst there is no objection in principle to this proposal subject to the closure of the level crossing, and the installation of the proposed footbridge. With regards to the footbridge an Easement will be required and also subject to the necessary licence agreement and clearance process from Network Rail, this may not be conclusive.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. [These are included in an informative in the recommendation.]

4.1.12 **Highways Agency West Midlands**

The Highways Agency has engaged in extensive discussions with the developers regarding the proposed site access, particularly with reference to the A49. The Highways Agency is satisfied that the proposed access arrangement passes the various tests described in 'Circular 02/2013: The strategic road network and the delivery of sustainable development' and consequently the Highways Agency has no objection to the development.

A roundabout is to be provided on the A49 and consequently a Section 278 agreement is required between the Highways Agency and the developers. Additionally, the Highways Agency wishes to direct that the access proposals are completed prior to development of the site, specifically for the section of the site accessible from the A49.

Please therefore find a TR110, condition and informative to this effect. The Secretary of State for Transport directs a condition and informative to be attached to any planning permission which may be granted [These are included in the recommendation]

4.1.13 **Natural England**

Wildlife and Countryside Act (1981) as amended & Conservation of Habitats and Species Regulations (2010) as amended

Designated Sites - No objection

This application is in close proximity to the River Teme Site of Special Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Protected Species

Natural England has not been provided with copies of any ecological reports and are therefore unable to make substantive comments, however, we have produced protected species standing advice to help local planning authorities understand the impact of particular developments upon protected species where impacts to them or their habitats are likely to result from a proposal. In particular, we would draw your attention to the decision tree within the standing advice which provides guidance on which habitats and features are associated with specific protected species. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.

You should note that the notified features of the River Teme SSSI include the presence of otters and white clawed crayfish and that as the application site includes a stream which flows into the SSSI there is a reasonable likelihood of these species being present on the development site.

Given the information which has been provided in support of the application, we advise your authority to ensure that the relevant species have been considered and confirmed as not being affected by this development before determining this application.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice¹ on priority and protected species and their consideration in the planning system.

¹ Paragraph 98 and 99 of ODPM Circular 06/2005

Natural England Standing Advice for Protected Species is available on our website to help local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving*

biodiversity'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

4.1.14 Environment Agency (Midlands Region)

Based on the additional information submitted we do not object to the proposed development and would offer the following comments for your consideration. For clarity we are in receipt of the following documents:

- Indicative Cross-section of Proposed Access Under A49 Bridge Plan, Ref. WCE01-006, Rev. P3, dated 20.11.14.
- Hydraulic Modelling Report Addendum, by Waterco Consultants, Ref. w3087-140120-HMR_Addendum.
- Revised Flood Risk Assessment, dated January 2014, Ref. w1366-140120-FRA.

For completeness we previously commented on the above application on 7 November 2013 (our letter reference SV/2013/107353/01-L01).

As stated within our previous response, based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Site Location Plan) is partially located within Flood Zone 3 of the River Corve, which is classified as Main River.

We note that the majority of the site including the proposed residential development and Site Access Road No.1, are located within Flood Zone 1 and is considered to have a 'low probability' of fluvial flooding.

Based on the information provided in the Hydraulic Modelling Report Addendum, we note that further model runs have been undertaken, including different flood scenarios (Table 1 of the Addendum details).

The conclusion of the model re-runs, confirm that minimal effects on flood levels are likely within the locality of the site (<10mm), based on the proposed development; including the removal of the previously proposed culverts. The model re-runs suggest that the culverts do not appear to significantly contribute to the overall conveyance of flows during a 1000 year or 100 year plus climate change river flood event. We therefore see no reason to object to the removal of the culverts previously proposed.

We recommend a planning condition and informative. [Included in the recommendation]

4.1.15 Ludlow Town Council

Objects to the outline application in the current form. The issues of potential flooding, over-burdening of the existing infrastructure and road safety need to be assessed further. The current reports are inconclusive and therefore unsatisfactory.

5.0 Public Comments

5.1.1 The local member, Cllr Andy Boddington has written objecting to the application and in addition, nineteen letters of objection have been received from local residents. The points of concern are set out below.

5.1.2 **Cllr Andy Boddington**

Objection - This proposal creates an isolated development on the edge of town. It will be the first Ludlow development with vehicle access only from the A49 bypass. This access arrangement will encourage residents to drive away from Ludlow rather use town centre facilities.

Noise levels near the bypass will be high and the public protection specialist recommends higher standard glazing. But the residents will still be subject to high noise levels in their gardens, as well as air pollution.

Pedestrian and cycle access to the site is poor. The footbridge over the railway gives access to the leisure centre but otherwise no useful locations. The footbridge over the Corve gives access to a play area, but it is not a useful route into town. There are no details I can see of how pedestrians and cyclists will be routed across the play area.

The Corve footbridge seems to be on stilts and has a lengthy approach to the Corve.

I am concerned it might urbanise this stretch of river and the remaining meadow. Notwithstanding the ecological reports, I am worried that creating this route will have a negative impact on the otters in the Corve.

The transport plan is out of date, especially with regard to bus transport. It is also overly optimistic on the number of trips by cycle and on foot, given that housing in Ludlow tends to attract elderly residents. I do not believe it meets the requirements of NPPF 17.

The potential for increased flooding is major issue. The development has been moved back from the floodplain. But much more could be done to alleviate run off which will be around two and a half times the current level. Porous parking surfaces and grey water harvesting should a planning obligation. I do not see any arrangement for swales or similar mechanisms that will slow run off and contribute to the ecology of the Corve riverside. Even with this, I remain concerned that this development will lead to increased flooding downstream on the Corve.

I do not believe that this development is sustainable within the terms of the NPPF.

5.1.3 Nineteen local residents have written making the following points:

Location and poor access to town

I am concerned about the proposal to include a footbridge from the development on to the land adjoining Fishmore View. This is not on any logical route into the town

centre. It will be dangerously near to the often fast-flowing River Corve, and will attract children to a potentially hazardous place.

There will be serious potential problems regarding entry and exit from the development onto already heavily used Bromfield Road.

As the section of by-pass designated to accommodate the changed lay-out is straight – and particularly fast moving – the proposed changes will either increase the risk of further accidents or, with speed restrictions, slow traffic down and create further congestion.

People (including children) would be very likely to take a short cut to the new estate across the farm land at Coronation Road and then underneath the railway bridge which passes directly by our house (although we are on the other side of the river Corve). The only other access is by bridge across the railway line at the other end of the Bromfield Road, or via a footbridge close to the children's playground at Fishmore View.

Danger and security issues relating to the footbridge to Fishmore View

There are already frequent problems with parts of the open space adjoining Fishmore View being used for underage drinking and drug use, and general anti-social behaviour, and I feel that the provision of this bridge, whilst serving no clear purpose from the point of view of communications, will encourage more gatherings of this kind.

There are safety issues for young children in the proposed "park", which will run down steeply to the river.

Many residents of the road are concerned about possible security implications resulting from the provision of this bridge and associated footpath.

Flooding

I think the effects of flooding by the River Corve on the proposed development area have been considerably underestimated. The flood line in the plans are extremely inaccurate and flooding occurs in a far wider area than shown

Flooding occurs on the opposite side of the river from the development between the River Corve and Summerfield housing estate and in the lower part of Fishmore Play area, the entrance to Summerfields, Brook Cottage and up to Fishmore Road. The design has not been constructed within the context of the area and the effects on the wider area and history of flooding have not been taken into account.

The run off water from rain of a development of this size will be considerable and because the A49 and its embankment to the north means that run off water will only travel to the east and south towards the Corve causing water to accumulate more quickly in the river and flood planes making a huge increase in the volume of flood water which already accumulates here.

The banking up of land to accommodate the road under the A49 next to the river

corve will cause.

a, Excess run off water from the road.

b, will funnel the water under the bridge under greater pressure.

c, Water build up north of the A49 will cause higher pressure on the A49 embankment and could weaken the structure.

d, will cause higher flooding north of the A49.

Fishmore Brook runs into this area and already floods on a regular basis. The flood plain in this area has been diminished considerably through the embankment along which Fishmore Road runs up to the Fishmore Road Bridge. It acts as a dam in times of flooding and water accumulates flooding the lower part of the Fishmore play area, the entrance to the Summerfield estate making the road impassible and is extremely dangerous. The Mayfields development also has been built in recent years and the ground level raised considerably which has lessened the natural food plain.

The construction of the footbridge and its embankment from the proposed development over the Corve to the Fishmore play area will create a barrier on the flood plain and a "pinch point" for flood water will be created causing water to back up and higher flood levels will be created. The A49 embankment to the north will trap the flood water causing water levels to rise rapidly spreading eastward over the flood plain next to Summerfield, the lower Fishmore Play Area and beyond. We have already seen the dreadful effects when water is blocked during the 2007 flood in Ludlow when Corve Brige became blocked.

No contour lines have been used on the maps which makes it look as though the ground level is the same throughout the area. There is a huge difference in ground levels on the east side of the river.

As the environment agency have not been consulted it is important to consider the effects that the footbridge and its embankment could cause on the flow and course of the river, below this point when in flood.

Following the disastrous 2007 flooding the new bridge was built in Coronation Avenue and a considerable amount of work carried out to the water course and flood escape route under the road and through Boiling Well Meadow.

In the 10 years that I have lived at in Summerfields there have been 2 serious floods which have seriously damaged the house of a neighbour and have encroached on my garden.

The flooding is caused by the backup of water from the river Teme which in turn backs up to cause the river Corve and Fishmore Brook to burst their banks.

The additional surface run-off from the proposed 200+ properties in this development will worsen this scenario unless the developer is caused to provide run-off catchment holding ponds or similar to hold excess water until the rivers have cleared and then to release it.

When anyone wishes to buy here and a search is done, we are literally condemned

because of our proximity to the river. So if the houses are built and they are on a much lower plain, insurance and saleability will be much worse.

I think that we should be listened to, we have lived here and experienced the flooding. If a buffer is built, it will push the water onto the next estate which has already experienced flooding and the land drain goes underneath their houses.

The river floods here several times each year (we have lived here for 22 years) and at these times it would be extremely dangerous for anyone taking this route. The river comes up very quickly and rages under the bridge, making it impossible and treacherous should anyone attempt to get through this way. We would of course also be concerned about any alterations made to the land which could make the river come higher up on our side when in flood. Also of concern is that a shortcut could also be taken along the railway line itself.

Not in accordance with the Development Plan

The proposal lies outside the areas suggested for housing in the SAMDev plan.

Impact on local services

With St Laurence's primary school and the County Junior school at full capacity and the doctors surgeries at full stretch and the abandonment of the new hospital project and the fact that a development for 95 homes in Fishmore Road has already been passed I wonder if the towns infra structure will be sufficient to cope with so many families.

Ludlow is a medieval market town and not structured to cope with continual expansion. If the hospital was unfit for purpose 13 years ago and is only guaranteed to be usable for a 2 – 5 years how will residents medical needs be catered for? Doctors complain their surgeries are inadequate and students have to travel up to 30 miles to find suitable courses to study. Coder Road refuse site is due to close. Car parking and park and ride is not up to standard. Will schools be able to cope?

The sewerage system on Bromfield Road has problems. Periodically at the junction of Felton Close and Bromfield Road the sewage comes up through the cover and on one occasion this occurred for five hours. It is wrong to add any more development to a system that is obviously full to capacity.

Impact on ecology

Otters inhabit the waters in this area and are a protected species There are several holts along the river in the banks and in nearby fields. Any construction work will destroy their habitat.

It seems such a shame to build on this plot which is home to a variety of wildlife including, we understand, otters which are protected. We trust that no trees will be disturbed along the river banks.

Proximity to railway

Network Rail often have to work on the line and safety advice is in place while work

is carried out.

5.1.4 A letter of support has been received from the The Wrekin Housing Trust stating:

The Wrekin Housing Trust has been in discussion with WCE Properties Ltd regarding the need for additional affordable housing in Ludlow and the potential that this scheme has to deliver a proportion of homes that we can acquire and allocate to people from the Council's Housing Register (Shropshire HomePoint). We can confirm that there is a significant and unmet need for affordable housing in the town. The Trust therefore supports this Outline proposal and would encourage early formulation of a viable detailed scheme, which both addresses the technical site constraints and delivers the required percentage of affordable homes as determined through Council policy.

5.0 THE MAIN ISSUES

- Principle of development
- Location and sustainability
- Impact on landscape and heritage assets
- Highway safety and accessibility
- Flooding and drainage
- Ecology and trees
- Residential amenity
- Impact on local services
- Affordable housing and CIL

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Development Plan:

Core Strategy policy CS3: Market Towns and Key Centres sets out the policy for the development of the identified towns and key centres. Ludlow is a market town and is seen as the focus for the development of services and facilities for the wider hinterland with balanced housing and employment growth. The application site is outside the development boundary as identified in Policy S1: Housing Development of the South Shropshire Local Plan. Policy CS5: Countryside and Green Belt seeks to strictly control new development in the countryside requiring development to maintain and enhance the countryside's character and vitality, and improve the sustainability of rural areas.

Policy CS6: Sustainable Design and Development Principles seeks to ensure the delivery of high quality sustainable development that takes account of its setting, context and local character. CS6 also seeks to safeguard residential and local amenity. Policy CS7: Communications and Transport seeks to ensure sustainable communication and transport solutions by improving accessibility and managing the need to travel. Policy CS17: Environmental Networks ensures that all development protects and enhances the high quality of the natural, built and historic environment

and that development does not have a significant adverse impact on Shropshire's environmental assets.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) published in March 2012 sets out the national planning policies for England. It includes a series of core planning principles with the 'presumption in favour of sustainable development' (para. 14) a central theme. The NPPF seeks 'to boost significantly the supply of housing' (para. 47). The NPPF is a material consideration in the determination of planning applications.

Emerging policy:

The Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) March 2014 identify the emerging approach to the future development in the market towns and key centres. The residential growth figure for Ludlow outlined in the SAMDev report is for around 875 dwellings from 2006 to 2026. Since 2006 around 517 dwellings have been completed or have planning permission leaving a residual target from now up to 2026 of around 358 dwellings. The Pre-Submission Plan included proposed sites at Rocks Green (around 200 dwellings) and a mixed use site east of the Eco Park (for around 80 dwellings). The current application site is not identified as a preferred option for future development within the SAMDev Pre-Submission Plan. Although the assessment undertaken to inform the SAMDev shows that the site is within the bypass and does have some merits the site was principally discounted on the grounds of the access being constrained by the A49, railway and River Corve.

As set out in paragraph 216 of the NPPF, the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached but, pending publication examination and adoption, this needs to be considered with care alongside the other material considerations.

Housing supply:

The NPPF paragraph 49 states that where a LPA cannot demonstrate a five year supply of deliverable housing sites relevant Local Plan policies for the supply of housing should not be considered up-to-date. The position regarding housing supply is clearly fluid with the latest information published in September 2013. This latest assessment includes those emerging 'preferred' SAMDev sites assessed by the Council as meeting the criteria set out in paragraph 47 of the NPPF for being deliverable within the next five years. On the basis of this latest assessment, it is considered Shropshire had a supply of 4.95 years including a 20% buffer. It is therefore appropriate to consider that relevant local plan policies regarding the supply of housing land are not up-to-date and should be given limited weight in decision making and less weight than the NPPF's 'presumption in favour of sustainable development'.

Assessment of proposal:

The application site is to the north of Ludlow adjoining the A49 to the northern boundary, railway line to west (with Bromfield Road further west) and the River Corve to the east. The proposal is for outline permission for up to 215 residential units, commercial and retail buildings off Bromfield Road and includes detailed access arrangements for vehicular access directly off the A49, and pedestrian footbridges over the railway and River Corve.

Ludlow is identified as one of the key centres in Policy CS3 of the Core Strategy. The Core Strategy states that “balanced housing and employment development” within development boundaries and on allocated sites will help key centres “maintain and enhance their roles in providing facilities and services to their rural hinterlands, and [in] providing a foci for economic development and regeneration”. CS3 identifies that Ludlow will provide a focus for development in Southern Shropshire, whilst respecting its historic character.

The application site is outside, but directly adjacent to, the development boundary of Ludlow as defined in the adopted South Shropshire Local Plan (S1: Housing Development). The site therefore falls under Policy CS5: Countryside and Green Belt which restricts the development of new market dwellings allowing only new build affordable or agricultural dwellings that meet an identified local need. This policy framework, along with the fact the site is not included as a ‘preferred’ option within the emerging SAMDev Plan, clearly does not establish the principle of open market residential development in this location. The site is beyond the defined development boundary of Ludlow, and therefore residential development here would represent a departure from the Local Plan. However, given it has been established that limited weight should be given to this policy framework in light of the current housing supply position, it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

It is considered the following policies of the adopted Core Strategy are of particular relevance in the context of assessing this proposal’s contribution to sustainable development: Policy CS6: Sustainable Design and Development Principles establishes the broad principles to be applied to help ensure development is sustainable. Policy CS7: Communications and Transport states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services.

The applicants have demonstrated a technically achievable solution to gaining access from the A49 but it is convoluted. To drive into the town, future residents will have to either go via the A49 to the north to reach the junction with B4361 to turn right across the A49 southwards on to Bromfield Road or, alternatively, they will head east along the A49 and go into town along Henley Road via the roundabout at Rocks Green. This effectively doubles the length of journey using the private car into the town compared to walking.

Although technically feasible the sustainability of the vehicular access will have to be carefully considered when determining the application with regards to Policies

CS6 and CS7. The proposed non-vehicular bridge over the railway onto Bromfield Road is therefore a fundamental part of the scheme to enable pedestrian/cycle access to the site which is not achievable via the A49. The proposal also includes a potential bridge over the River Corve connecting to Fishmore View.

There are also other matters which need to be considered when determining the application. The site assessment that has informed production of the emerging SAMDev Plan recognises that there are some merits to the site. Although the Landscape Sensitivity and Capacity Study did not cover this site, the SAMDev assessment drew on the Shropshire Landscape Character information which identified 'low' landscape value. The applicant should demonstrate that any impacts on the landscape can be mitigated (notwithstanding the detailed design is a reserved matters).

The overall site area contains a significant amount of land within Flood Zones 2 and 3. The proposed residential development lies outside these areas of highest flood risk but specific consideration needs to be given to the access route that includes going under the A49 and is adjacent to the River Corve. Consideration will need to be given to open space. The scheme includes a large amount of public open space along the River corridor (because of the flood risk in this area). Other than the 'riverside park' the public open space on the indicative layout is centrally located but appears fairly small. Consideration will be need to be given to the internal layout at reserved matters should the application be granted permission.

The proposal also includes a potential retail buildings. Policy CS15 allows for provision of "neighbourhood based local shopping and other community facilities" that "help to consolidate and improve existing provision" or "serve significant new developments". The development of 215 houses in Ludlow would represent significant development and this location may potentially be appropriate for a small neighbourhood store to serve the proposed development and also existing residents in the area. Potentially the retail use proposed west of the railway would require a retail impact test (if over 300sqm of floorspace) and sequential site assessment to determine whether there is an impact on the town centre. More details of this would be useful to determine whether it is 'neighbourhood based' to meet every day needs.

It is considered that more 'weight' should be given to the NPPF in light of the Council's five year supply position, and that limited 'weight' be given to the Council's Core Strategy/Local Plan policies concerning housing supply. Therefore whilst the proposal is a departure from the Local Plan and the emerging SAMDev Plan, this issue alone should not be used as a reason for refusal in this case. Notwithstanding the NPPF's approach when a five year land supply cannot be demonstrated, development proposals still need to be assessed on their own merits against the principles of the NPPF and Development Plan as a whole. Paragraph 14 of the NPPF states that within the context of the 'presumption in favour' development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.

6.2 Location and sustainability

- 6.2.1 The site is located approximately 1.2Km to the north west of Ludlow which has the range of community services and facilities that you would expect to find in a market town. It is the last large, undeveloped area of land contained within the by-pass. The railway line to the west prevents vehicular access to Bromfield Road for all but a small portion of the site and a new roundabout to the A49 is proposed. New ramped bridges are proposed over the railway and River Corve for pedestrians and cyclists to provide access to the town from Bromfield Road and Fishmore View via Fishmore Road. Bus services operate along Bromfield Road and services could be extended to include the site if the development goes ahead. The housing density, excluding the Public Open Space, is around 32 dwellings per hectare which is neither excessive nor a profligate use of the land available.
- 6.2.2 The site is in a sustainable location with good access to local services, leisure facilities and schools. Development of the site is considered to meet the sustainability objectives of Policies CS1, CS3 and CS6 of the Core Strategy.

6.3 Impact on landscape and heritage assets

- 6.3.1 The application is accompanied by a comprehensive Landscape and Visual Appraisal which systematically analyses the impact of the development on the landscape setting of the town and the visual effects from twelve key viewpoints around the area.
- 6.3.2 The site is low lying in relation to the rest of the town and is well screened by trees along the A49 embankment and the south bank of the River Corve. The nature of the surrounding topography, roads, railway line and landscape features, all serve to ensure that the site is well contained and generally well screened from wider views. It relates well to the built form of the town and does not extend into open countryside. The study concludes:

This report highlights that development would create a very low level of both visual and landscape impact, and negligible levels of visual impact from any viewpoint in open countryside.

The proposed site offers an opportunity to provide a significantly-sized development with unusually low levels of either landscape or visual impact. The site has a low landscape sensitivity. Whilst development would result in a large magnitude of change the most sensitive area, towards the River Corve, is well protected and actually offers an opportunity for significant landscape and ecological enhancements within an overall landscape scheme. Beyond the site boundary, following a short-term slight impact on the landscape character of a small area to the north of the site, landscape mitigation proposals will ensure the long-term landscape impact of the proposed roundabout will be negligible. Other opportunities exist, within front gardens the sizeable open space buffer and boundary planting, to further mitigate any landscape impact through the introduction of native planting in keeping with the landscape character of the area.

In terms of visual impact, compared to other sites within the Ludlow Housing Sites Assessment, this site would cause the least impact by far. Whilst it is beyond Ludlow's existing development boundary, it is clearly within the confines of the town. It sits low against the town, is contained by the by-pass and is extremely effectively screened by both local landform and vegetation. Practically no views from open countryside exist within a 5km range and if they do, are fleeting and the site associates extremely well with the existing built form of the town. From the most sensitive viewpoints, the site is not visible.

Officers agree with these conclusions and consider the impact on the landscape character of the area to be acceptable.

- 6.3.3 The applicant has commissioned an archaeological desk based assessment and heritage impact assessment for the development proposal. The assessment concluded that, in terms of the setting of heritage assets, there would no adverse impacts on the setting of designated heritage assets resulting in loss or harm to their significance. It also identified four examples of archaeological remains within the site that are of local significance only and provide evidential value of post-medieval agricultural practice, some of which could be retained within an area of public open space.
- 6.3.4 In respect of previously undiscovered archaeology, the report identified a moderate to high potential for archaeological remains to be present within the development boundary based on its location and other archaeological sites in the surrounding area. A programme of geophysical survey has been undertaken within the site boundary that has identified some anomalies likely to be associated with agricultural practice and two additional unresolved anomalies that may have more archaeological significance but which are limited in extent.
- 6.3.5 The Historic Environment Officers are satisfied that the impact on heritage assets has been properly assessed and there are no fundamental objections to development of the site subject to a condition requiring a further programme of archaeological work to be undertaken prior to development commencing. The proposals are considered to be in line with the requirements of Policy CS17 of the Core Strategy.

6.4 **Highway safety and accessibility**

- 6.4.1 Access to the site has been a major issue and is probably the reason why the site has not been developed at an earlier date. Vehicular access from Bromfield Road to the main part of the site is precluded by the railway line to the west. To demonstrate that a safe vehicular access can be achieved from the A49 to the east, the applicant has commissioned a detailed Transport Assessment, including forecasts and modelling, Travel Plan and engineering details. A new roundabout is proposed midway along the frontage of the site along the A49. It will have a single spur off the embankment into the site. The Highway Agency has been involved in discussions over access direct from the A49 and has accepted that the provision of a new roundabout on the A49 is both feasible and acceptable in terms of highway safety.
- 6.4.2 A small portion of the site lies to the west of the railway and will have an access to Bromfield Road. The illustrative layout shows thirteen dwellings and a neighbourhood shop served by the access. The present unmanned level crossing providing access to the field across the railway would be closed. A bridge for pedestrian and cyclist access over the railway will be constructed to provide a convenient link to the leisure centre and schools. A bridge over the River Corve is also proposed to link the development with open space adjacent to Fishmore View. This bridge has to span a significant increase in height from the site to the southern

bank of the Corve but will be a useful cycle link between the estate and the town.

6.4.3 The Highways Officer has no objection to the proposals subject to conditions and the access arrangements are considered to meet the requirements of Policy CS6 of the Core Strategy.

6.5 Flooding and drainage

6.5.1 Flooding is a major concern of local residents following the flood events of recent years. The application site is primarily located in Flood Zone 1 but the southern portion of the site, adjacent to the river, falls in Flood Zones 2 and 3 of the River Corve and as a consequence a comprehensive Flood Risk Assessment (FRA) and hydraulic modelling have been submitted. The illustrative layout has been designed to demonstrate that 215 houses and the vehicular access can be accommodated outside the high risk area. The public open space occupies the area most at risk of flooding. The Environment Agency has assessed the FRA and has no objection to the proposal.

6.5.2 The proposed development increases the impermeable area of the site by approximately 40%. This increase in impermeable area results in an increase in peak rate and volume of the run-off for the site. This will be taken account in the surface water drainage design by implementing attenuation storage (oversized pipes and storage tank(s)) and flow control. 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.

6.5.3 Foul drainage will be taken to the main sewer. The submitted Planning Statement states that development may have a significant impact on the existing gravity sewerage system which already has capacity issues. Therefore developer funded hydraulic modelling of the sewer system has been requested in order to establish whether (a) the development is expected to have no detrimental impact or (b) that in order to accommodate the additional flows, capacity improvements will be required.

Severn Trent Water (STW) has been consulted on the latest position and their comments are awaited. If improvements are needed these will be funded by the developer and further details are required at the Reserved Matters stage by a condition.

6.6 Ecology and trees

6.6.1 The site is not subject to statutory or non-statutory designations and the pasture land is generally of low ecological value. However, the river bank and mature trees are of ecological interest and important for biodiversity. An ecological assessment of the site has been carried out including a Phase 1 Habitat Survey and additional bat, crayfish, otter and water vole surveys. The County Ecologist is satisfied that the proposal will not have a detrimental impact on the natural environment provided conditions are imposed requiring a method statement for the construction of the bridge over the river and the provision of bat and bird boxes. There will be

opportunities to enhance the biodiversity of the site through additional planting along the river bank in the area of public open space.

6.6.2 The majority of trees on the site are in groups or areas of young woodland around the margins of the site and will not be affected by the development. However, there are four significant oak trees within the site that require protection and conditions are suggested to ensure they are retained and protected if development goes ahead. These are landmark trees at the northern gateway to Ludlow and their presence has high amenity value. To this end, a Tree Preservation Order has been made to reinforce their importance and protection.

6.6.3 Officers are satisfied that the proposal will protect and enhance the natural resources of the site in accordance with Policy CS 17 of the Core Strategy.

6.7 Residential amenity

6.7.1 The eastern side of Bromfield Road contains mature properties situated in large gardens and a small group of houses at Felton Close with industrial premises and a farm yard towards the bottom of the road. The rear gardens of these properties back onto the railway line and some have views over the site from upper floor windows. Across the river on higher ground is Fishmore View; comprising a cul-de-sac of modern houses. There is a children's recreation area off Fishmore View that contains a play area and informal open space.

6.7.2 No issues of overlooking will arise between the existing and proposed houses. However, residents of Fishmore View are concerned that access through their estate to the Public Open Space proposed over the bridge and along the river will encourage groups to gather and result in anti-social behaviour. This may or may not occur but it can be minimised by 'designing out crime' and this will be considered when Reserved Matters are submitted. More serious issues would be tackled through community policing. The benefits of access across the river for the wider community out-weighs the risks of misuse of the area.

6.7.3 The proposed houses will be subject to some noise and vibration from the A49. An Environmental Noise Assessment has been conducted and this concludes that suitable mitigation measures can be specified in order to achieve the 'reasonable' standard set out in BS8233 for internal noise levels in living rooms and bedrooms. The measurements of vibration dosage values (VDV) provides evidence to suggest that environmental vibration levels are not likely to give rise to an adverse living environment for future residents. The Council's Public Protection Officers have considered the studies and have no objection to the proposal subject to the submission of further details when the Reserved Matters application is submitted.

6.7.4 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the Reserved Matters stage when details of the layout, scale and appearance of the development are available that the residential amenities of the development can be assessed. At this stage there is no cause for concern about the impact of noise from the A49 on proposed residents or the impact of the proposal on the living environment of nearby houses.

6.8 Impact on local services

6.8.1 Local residents have raised concerns about the capacity of local schools and health services to cope with the additional demand arising from a further 215 houses being built. The Education and Health Authorities are involved at a strategic level in local planning and develop their services in accordance with projected increases in population. No problems are anticipated by the Council's Learning and Skills team. Health services are currently the subject of a public consultation exercise in Ludlow following the decision not to proceed with the new hospital. In both cases it is the duty of the services involved to respond to increased demand in line with Government requirements.

6.8.2 The proposals include the construction of retail unit of up to 300 sq m in size with an access from Bromfield Road. The provision of local services is encouraged by policy CS8 of the Core Strategy.

6.9 Affordable housing and CIL

6.9.1 Core Strategy policies CS9 and CS11 require new residential developments to make a contribution to affordable housing and infrastructure costs. The proposal will deliver affordable housing at the prevailing rate (currently 15%) to comply with policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the contribution will be secured through a section 106 Agreement, with the amount being determined at the Reserved Matters stage in the event that outline planning permission is granted. In addition, a Community Infrastructure Levy will be chargeable based on the resulting floorspace of market houses (currently £40 per sq m). These are substantial benefits arising from the development.

7.0 CONCLUSION

7.1.1 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'.

The proposal would involve the development of up to 215 houses and a neighbourhood shop on the north west side of Ludlow on a site within the by-pass. The site is not allocated for development in the current Pre- Submission Draft SAMDev policy document. However, with the current lack of a 5 year housing supply, decisions on housing applications must be taken on the basis of whether a development would be sustainable in terms of the NPPF, rather than extant or emerging housing policies. A refusal of this application on the grounds that it is contrary to the Development Plan is most unlikely to be sustained on appeal as the Council would not have followed the guidance set out in paragraph 49 of the NPPF.

7.1.2 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 development of this land would not detract from the wider landscape setting of Ludlow or the immediate locality. Neighbour amenity would be safeguarded and 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 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. The site is in a sustainable location in relation to Ludlow and there are no adverse impacts of sufficient weight to outweigh the benefits.

7.1.3 The principle of residential development on this site would accord with the environmental, social and economic dimensions of sustainable development set out in the NPPF and the balance weighs in favour of granting planning permission. subject to appropriate conditions and a legal agreement to deliver the 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, 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 4: Promoting sustainable transport

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

Part 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

Shropshire Core Strategy:

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

'Saved' South Shropshire Local Plan Policies

S1 Housing Development
SD3 Settlement Strategy

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

10.2 Relevant Planning History

There is no planning history

11.0 Additional Information

11.1 List of Background Papers

Planning file: 13/03862/OUT

11.2 Members

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member

Cllr Andy Boddington

11.3 Appendices

Appendix 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the scale, layout, appearance and landscaping of the development; (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. 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 off the A49. (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. No construction works associated with the development, on land on the northern side of the railway line requiring access from the A49 (hatched red in drawing J244 Figure 1), shall commence until the access proposals have been completed to the satisfaction of the local planning authority in consultation with the Highways Agency, as shown in drawing T17113-120, or in accordance with any design changes approved by the planning authority in consultation with the Highways Agency.

Reason: Directed by the Secretary of State for Transport to ensure a satisfactory access to the site before development commences.

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. With the exception of work to provide the roundabout on the A49, 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. No development shall take place 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.

9. No development shall take place until details of 'Pedestrian and Cycle Access 1 - the bridge over the railway line' and 'Pedestrian and Cycle Access 2 - the bridge over the River Corve' including the layout, design and construction have been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed before the first house is occupied or in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To ensure that suitably designed bridges are provided for pedestrians and cyclists at the earliest opportunity.

10. No development shall take place until details of the means of access to Bromfield Road, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before any of the houses or retail unit to the west of the railway line are commenced.

Reason: To ensure a satisfactory means of access to the highway.

11. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

12. 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.

13. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a series of trial trenches that targets anomalies identified in the geophysical survey and tests a proportion of the non-responsive areas to determine the presence or absence of un-recorded archaeological deposits. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works. 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 to fulfil the condition.

Reason: The area is of archaeological potential and it is important that any archaeological features and finds are properly recorded.

14. No development shall take place until a scheme for the insulation of the houses in respect of noise and vibration has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the house and shall thereafter be retained.

Reason: To protect the amenities of occupiers of nearby properties from excessive noise from the A49.

15. 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 site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in to BS5837:2012. The approved scheme shall be retained on site for the duration of the construction works.

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.

16. 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, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

17. All amendments' and modifications to the approved plans and particulars; or plans and particulars issued for the delivery of reserved matters; or establishment of services or special engineering measures that will require encroachment into the tree protection zone(s) identified in the approved tree protection plan will be supported by a supplementary arboricultural impact assessment and method statement; and the proposed amendments' / works will not be enacted upon without the written approval of the Planning Authorities.

Reasons: To ensure that works supplementary or in variance to the approved plans and particulars cause no damage to retained trees and/or hedgerows on site during the development.

18. No development or clearance of vegetation shall take place until a Wildlife Protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;

- vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

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

19. 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.

20. Prior to the first occupation of the dwellings details of ten woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species 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

21. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

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

22. Other than the details shown on the approved plans, there shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 85.71m AOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank

of the River Corve (Main River) inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

Informatives

1. The land referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing.

2. Electric Charging Points

The Council encourages the installation of electric vehicle charging points in new housing development. As they are relatively inexpensive, all dwellings with off road parking and/or garages on a development of this size should be provided with this facility. In this way the development can increase its sustainable credentials. Electric vehicle charging points typically require a 16 amp power supply and are relatively inexpensive to put into a garage or onto a driveway when a dwelling is built however can be a considerable cost if trying to retro fit a building in future.

3. Bats

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.

4. 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.

5. Drainage Advice

The use of soakaways should be investigated in the first instance for surface water disposal. 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. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

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.

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

3. On the Pluvial Flood Map, the site is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building.

Reason: To minimise the risk of surface water flooding.

4. If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system.

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

5. contoured plan of the finished road level should be provided to ensure that the correct parameters have been used for the gully spacing at that they are located correctly. The proposed gullies should be able to transfer the exceedance flows between the 1 in 5 year and 1 in 100 year + 30% climate change storm events into the proposed surface water drainage system efficiently, or provide a plan indicating where exceedance flows will be stored prior to entering the proposed surface water drainage system and confirm that these exceedance flows will not flood any adjacent property.

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 surface water drainage system is not being used.

6. 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

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

6. Highways Agency Informative

All roads in connection with the proposed roundabout, including the spur to access the site, are considered to be part of the access arrangements.

Works to the strategic road network will require a S278 agreement between the applicant and the Highways Agency. Please contact David Steventon (david.steventon@highways.gsi.gov.uk or 0121 678 8723) of the S278 team who will take this agreement forward.

7. Environment Agency Informative

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Corve, designated as 'Main River'.

8. Network Rail Advice

Fencing

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Site Layout

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Foundations

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on any cutting and no deep continuous excavations parallel to the boundary without prior approval.

Plant and Materials

There is a risk the use of plant and materials which in the event of failure could fall on to Network Rail's land. These operations will require Network Rail supervision.

Drainage

All surface water drainage should be directed away from the company's land to the public mains system. Soakaways are not acceptable where the following apply :

- o Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- o Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure

Excavations/earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Landscaping

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Ground Disturbance

The works will involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Access Points

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

De-watering

No de-watering on site without Network Rail's consent.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety Barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

In order to mitigate the risks detailed above, the Developer should contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

9. Public Open Space

The proposed layout for the site should include the provision of public open space in accordance with the Council's Open Space Interim Planning Guidance (IPG) which is available on the Shropshire Council web site at www.shropshire.gov.uk.

10. 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 2: Ensuring the vitality of town centres

Part 4: Promoting sustainable transport

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

Part 12: Conserving and enhancing the historic environment

South Shropshire Local Plan Saved Policies:

S1 Housing Development

SDS3: Settlement Strategy

Core Strategy Development Plan Document

CS3 The Market Towns and other Key Centres

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS8 Facilities, Services and Infrastructure Provision
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS13 Economic Development, Enterprise and Employment
CS15 Town and Rural Centres
CS17 Environmental Networks
CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing
Open Space Interim Planning Guidance (IPG)

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Committee and date
 South Planning Committee
 24 June 2014

Item
10
 Public

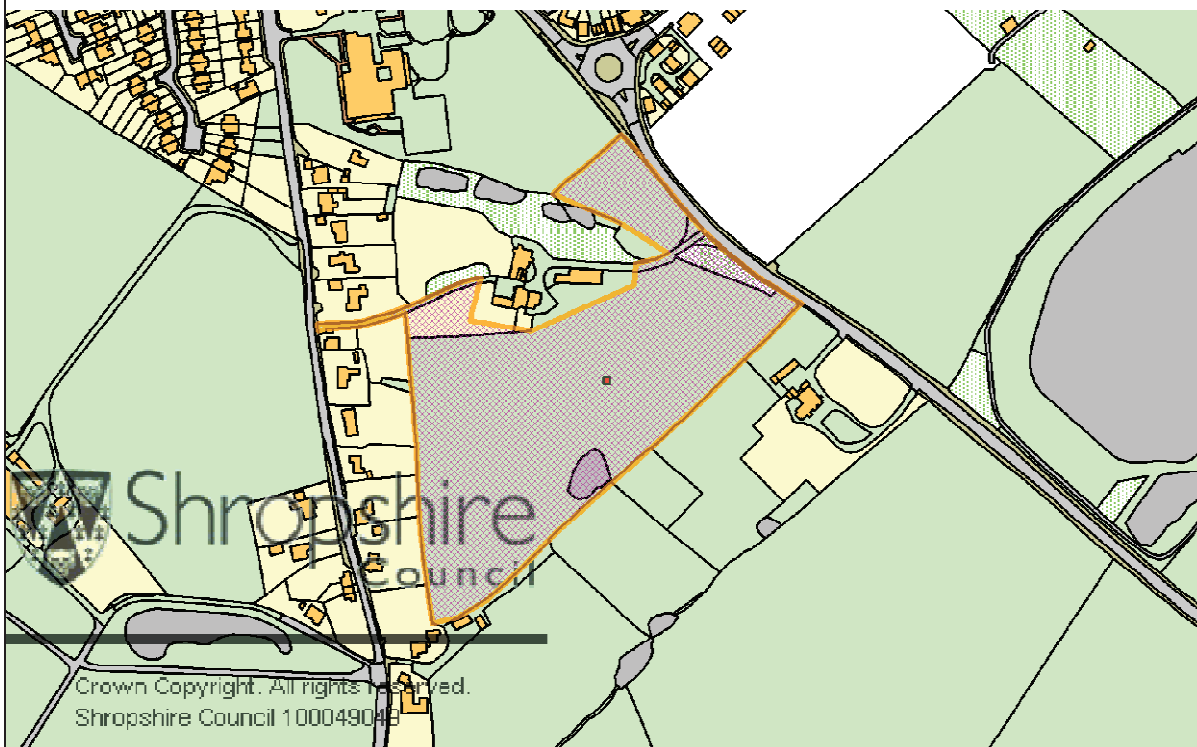
Development Management Report

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

Summary of Application

Application Number: 13/04840/FUL	Parish:	Shifnal
Proposal: Mixed residential development of 66 dwellings and garages		
Site Address: Land South Of A464 Shifnal Shropshire		
Applicant: Redrow Homes (Midlands)		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 375155 - 306767



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Recommendation:- Grant Permission as a departure and subject to satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and reduction of speed limit on a section of A464 Wolverhampton Road, and to secure the provision and maintenance of the open space by an appropriate body; to satisfactory amendments being made to the Great Crested Newt mitigation strategy and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application as originally submitted proposed the erection of 68 dwellings on this land, together with the provision of a school car park and drop off point which would have been reached off the proposed estate road, close to the proposed upgrade of the access onto the A464 road. Following discussions with the applicant and agent about highway safety concerns raised by Highways Development Control in relation to the potential impact of the car park drop off area on the A464 and the encouragement it would give to use of cars as a mode of travel to school, and the impact the access to the car park would have in requiring the felling of a significant landscape tree, the school car park proposal has been deleted from the application. This and other amendments made have resulted in an increase in the amount of open space within the scheme and, in order to increase the separation distance of proposed dwellings from trees and hedges in the southern corner of the site, a reduction in the number of houses by two to 66. This latter change has included the deletion of four plots and the substitution of two new plots to accommodate different house designs.
- 1.2 The site amounts to some 3.69 hectares and currently is rough pasture land and trees to the south and east of the grade 2 listed 'The Uplands' dwelling. The site is within an area subject of an area tree preservation order dating from 1961 and contains a number of specimen trees. The proposed built development would be to the south and south east of the listed building.
- 1.3 The existing vehicular access off the A464 into the site would be improved with adjustments made to the width and radii, and the provision of a right hand turning lane on the main road. A roadside footpath would be provided from the site access, extending north westwards to link with the footpath at the roundabout serving the Thomas Beddoes housing development. The junction and first section of the access road, some 60 meters long and block paved, would be shared with 'The Uplands' dwelling for which there are applications currently under consideration to convert and extend to form 'extracare' accommodation (ref 13/04841/FUL and 13/04842/LBC). Off the southern side of this section of road would be a private drive serving four detached properties, which would face towards the A464 with landscaped buffer planting along the road frontage. Four other properties would be served by individual accesses onto the estate road and with varying lengths of front gardens. Two of the dwellings in this area would have detached garages, with the remainder featuring integral garaging.

- 1.4 The road would then, at a sharp right angled bend, head south with five detached properties, featuring integral garages and drives in excess of 6 metres long, on its western side. On the eastern side there would be a single detached dwelling and detached garage, with a spur road leading to a group of 10 affordable dwellings, split into two terraces of three units and one terrace of four units, which would have forecourt parking.
- 1.5 The main access road would then head westwards on a curving alignment to an existing pond close to the south eastern site boundary which is to be retained. This section of road would have seven detached dwellings with integral garages on its southern side, and two on its northern side which would share a drive and garage block. The dwellings on the northern side would be sited closer to the road than those on the southern side, giving variety to the streetscene. Opposite the pond a 'T' shaped spur road/drive would serve five detached dwellings. Immediately to the west of the pond would be a private drive serving five detached dwellings, four of which would have detached garages and one an integral garage, orientated to face onto the pond area.
- 1.6 The main estate road would continue with an area of open space containing mature trees on its northern side and three detached dwellings, with integral garages, on its southern side. At a turning head on this road, which would be block paved, there would be two short drives, heading westwards and northwards, serving three and two dwellings respectively, which would face onto the area of open space and trees, through which there would be a pedestrian and cycleway connection to Park Lane. The northern shared drive, which would cross the area of open space, would have a block paved surfacing.
- 1.7 The main estate road would then head southwards on a slightly curving alignment to a block paved turning head in the south western corner of the site. Off the eastern side of this road section would be six detached dwellings with integral garages and individual drives, with seven dwellings on the western side having the same access and garaging arrangements. In the southern corner of the site there would be two detached dwellings featuring chimneys, with separate garages, served off a shared private drive.
- 1.8 Existing boundary trees and hedges would be retained in the proposed development, along with key mature trees within the site that would be incorporated into the areas of public open space. Along the south eastern site boundary between the pool and the main road, and then along the main road to the access point where a new culvert would be installed, close to ponds just outside the application site, a 5m wide commuting corridor would be provided between the pools, to retain connectivity for the benefit of Great Crested Newts and other wildlife. New tree planting would be carried out in the front gardens to properties, adjacent to the main road and in the areas of public open space.
- 1.9 A total of 15 different house types would be used for the proposed development. Within the individual house types there would be variations with some units being wholly brick and some featuring part render. Two types of facing brick and two types of roof tile each in two colour variations are proposed for use in the development. There would be a mix of full gabled and hipped roofs. The majority of the housing would be two storey, with the exception being five 2.5 storey dwellings

overlooking the public open space and pool areas. Some units would feature tile hanging and some would feature boarding or timber framing to gable ends. The properties would feature a mix of monopitch and dual pitched porch roof canopies. The majority of the detached dwelling designs would feature short, projecting front gables. Where rear gardens would be adjacent to the estate road they would be enclosed on the relevant sides by 1.8m high brick screen walls

- 1.10 The foul drainage from the proposed development would be disposed of to the main sewer. The surface water from the development would be collected and stored on site and released at the equivalent greenfield run-off rate. This would be achieved by storing surface water within pipes under the roads and released slowly at a controlled rate which during heavy rainfall events would prevent water flowing off site and into third party land.
- 1.11 The application is accompanied by a Planning Statement; Design and Access Statement; arboricultural method statement; extended phase 1 habitat survey; great crested newt mitigation strategy; archaeological assessment; flood risk assessment and drainage strategy; transport assessment; framework travel plan; landscape design statement; noise assessment; preliminary risk assessment; arboricultural method statement.
- 1.12 A screening opinion has been issued to the effect that the proposed development would not require an Environmental Impact Assessment.

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 topography of the site is relatively level, with a gentle slope in a westerly direction. It is enclosed by the A464 road to the north east, the grounds that would be retained with 'The Uplands' and school playing fields to the north, existing residential development off Park Lane to the west, agricultural land to the south and a property known as 'Beech House' to the east/southeast. An existing access route onto Park Lane forms part of the application site. There are a number of ponds within the immediate vicinity of the application site and one pond within it.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation to grant planning permission as a departure. The Area Planning Manager and Principal Officer in consultation with the Chairman agree that the material planning issues raised by this application should be considered by Committee.

4.0 Community Representations

- Consultee Comments

(Please note that where consultees have made several comments the latest comments are listed first, as these record the outcome of discussions and demonstrate whether any concerns raised earlier have been addressed).

- 4.1 Shifnal Town Council – Object: At the Full Council Meeting of Shifnal Town Council on Thursday 19th December 2013, Councillors REJECTED the Planning Proposal 13/04840/FUL.
- 4.2 SC Highways Development Control (04-06-14) – No Objection to amended site layout plan deleting school car park proposal. Recommend conditions relating to road and access construction and the securing of contributions through a Section 106 Agreement to the Travel and Movement Strategy for Shifnal and to finance the traffic order to extend the 30mph speed limit on the A464 road. The detailed comments are set out below:-

Principle of Development

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 walking and cycling distance to local amenities such as the Local Primary School and other Local amenities, such as the Town Centre and Railway Station. However, Shropshire Council as Highway Authority remain concerned with regard to the cumulative impact of all developments within the Shifnal area.

Policy Considerations

“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.

Transport Assessment

A Transport Assessment has been submitted with the planning application. The application has taken into account the following committed developments in the Shifnal area;

- Thomas Beddoes Phase 1,
- Land at Haughton Road (12/04646/OUT);
- Land at Coppice Green Lane (13/02989/OUT)
- Springhill Industrial Estate (13/03055/FUL),

The following applications were not taken into account because at the time of the submitted applications were not formal planning applications however, have been subsequently submitted but not yet determined.;

- Land north east of Stone Drive for up to 250 dwellings (14/00062/OUT) (Note: It was resolved to grant permission for this scheme subject to completion of a Section 106 Agreement at the 27th May 2014 South Planning Committee).
- Land between Lawton Road and Stanton Road for up to 100 dwellings plus a 60 bed care home (13/05136/OUT)

The Traffic Impact Assessment has assessed traffic flows from the development and the impacts upon key junctions and their operation in the town at 2013 and future year 2018 with committed development (as defined above) and the proposed development. It concludes that the proposed development would not result in any material increase in traffic on the local road network. This is disputed by Shropshire Council as Highway Authority.

With regard to the Bradford Street/Aston Street junction the submitted Transport Assessment acknowledges that in the 2018 PM peak hour the junction would operate just above the recommended theoretical capacity with the committed and proposed development in place.

The Market Place/Bradford Street junction would operate above the recommended theoretical capacity with the committed and proposed development in place, with an increase of three vehicles queuing in the AM peak hour and five vehicles in the PM peak hour.

However, the junction assessments undertaken for Aston Street / Bradford St and Bradford St/A464 junctions have been done independently of each other. The software used to make the assessment assumes that the exits for each arm are clear and uninterrupted, and therefore once a vehicle has crossed the stop-line it is no longer taken into account. In the case of these two junctions, it is clear that there is a strong linkage between the two which makes the operation of these junctions far less predictable than the assessment suggests and the impact of the development has not been fully assessed.

The Assessment comments that all other junctions would operate within capacity and concludes that the proposal would not cause material reduction in the performance of the analysed junctions in Shifnal or on the surrounding road network.

The Transport Assessments submitted with other housing applications in Shifnal have concluded that the Aston Street/Bradford Street priority junction and the Victoria Road/Bradford Street/Market Place priority junctions are predicted to experience capacity constraints and queuing, and that capacity constraints are already experienced at these junctions. It is considered that the Transport Assessment in this case should have addressed the SAMDev housing site allocations for land north east of Wolverhampton Road (the subject of current application 14/00062/OUT) and land south of Aston Road (the subject of current application 13/05136/OUT) due to their inclusion in all stages of SAMDev demonstrating a strong likelihood that some form of development will come forward on this land, cumulatively impacting upon junctions in the town and the local road network with the current proposal. It is considered however that the other transport assessments which have been commissioned for developments in Shifnal can be taken into account in assessing the current proposal to address this issue.

Highways Strategy for Shifnal

A wider Travel & Movement strategy for Shifnal, as part of the on-going LDF/SAMDev/Neighbourhood Plan processes 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.

Shropshire Council as Highway Authority considers that an appropriate contribution towards the Shifnal Travel and Movement Strategy is justified and can be secured through the Section 106 Agreement.

Access to the Development

Shropshire Council as Highway Authority would have no objection in principle to the proposed access to the site, however it is recommend that the existing 30mph speed restriction on the A464 to the south east of the site access should be relocated to reduce vehicle speeds on the approach to the junction and improve pedestrian and cycle safety within the vicinity of the development site. A contribution to cover the cost of a traffic regulation should be secured through the Section 106 Agreement.

Internal Layout

The proposed layout is considered acceptable in principle. The only issue with regard to layout is the parking provision for Plot 52. It is considered that the detachment of parking from the property may encourage vehicles to park in the turning head obstructing access to the proposed footway.

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND,

Allocated parking

The amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the south east Shropshire area, and these standards are achieved without counting garages as parking spaces.

Pedestrian and Cycle facilities

The Assessment comments that the proposed development would be within 250 – 300m of the proposed bus stops within the Thomas Beddoes Court Phase 1 development and some 900m from Shifnal Railway Station, which would be a

walking time of some 12 -13 minutes. It states that the statutory walking distance to schools in the Education Act 1996 is up to 2 miles for children up to 8 years old and up to 3 miles for children 8 years old and above. It observes that there are four schools within 2 miles walking distance of the application site, comprising of two primary, one secondary and one college. A number of High Street shops on Bradford Street and Market Place are within a walking distance of 1km.

The proposed footpath/cycleway connection from the development site through to Park Lane would provide a convenient route to the school and southern areas of the town, as well as access to the Town Centre. The route should be surfaced and street light to ensure the use of the route is maximised.

Section 2.2.4 of the submitted Framework Travel Plan indicates that a 2m wide footway will be constructed on the western side of the A464 to the north of the site providing a link to the footway of the Taylor Wimpey roundabout.

It is considered that both proposed pedestrian links would provide a sustainable transport option and alternative to the private car for shorter trips 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.”

Conditions

In consideration of the information submitted, 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 towards the Shifnal Travel and Movement Strategy and amendment to the existing Traffic Regulation Order along Wolverhampton Road secured as part of the Section 106 Agreement;

NS01

The submitted travel plan shall be implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13.

NS02.

Prior to the commencement of the development full engineering details of the proposed footway along A464 Wolverhampton Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings it would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway.

E1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved buildings occupied.

Reason: To ensure a satisfactory means of access to the highway.

E2. Road Design

No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure a satisfactory access to the site.

E5. On-site Construction

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:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- 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.

SC Highways Development Control (30-01-14) – Comment:

Principle of Development

As Highway Authority we do not have an objection in principle to a residential development and care home facility at the proposed location, however Shropshire Council as Highway Authority would not support the principle of providing a drop off area for the primary school. Shropshire Council is currently working closely with local primary schools in shifnal to promote walking and cycling to school. It is anticipated that the promotion of the drop off area whilst may remove vehicles from Park Lane will facilitate further the use of cars as a mode of travel to school. It is anticipated that the area will not be used as a drop off area, but vehicles may park up and walk their child safely to the school gates, this may potentially displace the problem to the estate roads on the new development and Wolverhampton road. If the area does have to be used for car parking, can it be used by members of staff and visitors as an overflow? Or additional play equipment?

In addition to the above, whilst it is accepted that the development site is located within walking distance of the local primary school, we would raise concerns with

regard to the distance from some local amenities and associated impact on the surrounding highway network.

Access to the Development

Whilst we do not have an objection in principle to the proposed access arrangement, it is considered that further consideration needs to be given to vehicle approach speeds and proximity to the existing roundabout junction, it is recommended that consideration is given to reduce vehicle approach speeds, with the possibility of extending the current speed limit.

Impact on the Highway Network

In terms of capacity at junctions it has been demonstrated that key junction within the shifnal area are over capacity and whilst it has been argued that the proposed development will have an impact on capacity on the network but not a significant impact, it is considered that the cumulative impact of all developments proposed within the shifnal area will impact on the highway network and therefore capacity at junction should be addressed, together with the promotion of sustainable transport within the shifnal area.

Shropshire council are currently developing a strategy to improve passenger transport links within the shifnal area, however it is considered that the contribution received from Taylor Wimpey's Wolverhampton road development was received to make the existing development more acceptable, however, we would be looking to improve bus provision to the proposed development site. The improvements to the bus networks will form part of the overall strategy for Shifnal, therefore we feel it is appropriate that the applicant contributes towards this overall strategy in order to provide improvement. To passenger transport to the site and thus encouraging more sustainable travel from the development site and reducing the impact on the highway network.

The transport model and proposals put forward include infrastructure works to the highway network and the improvement to sustainable transport links within the shifnal area. The strategy for shifnal is current under consideration, in order to make the proposed development from a highways perspective acceptable, we would be seeking confirmation from the applicant that they would considered contributing towards the overall strategy for shifnal.

Improvements to Footway Link to Park Lane

In light of discussions regarding Springhill Industrial site, query whether it is proposed to improve the link and offer it for adoption.

Parking

The proposed level of parking for the residential development is considered acceptable,

4.3 Highways Agency – No Objection:

Referring to 'The Highways Agency and the Planning Application Process: A protocol for dealing with planning applications', junction capacity assessments should be carried out where there are more than 30 trips associated with a development proposal. However, the Highways Agency is satisfied that there will be a minimal increase in traffic numbers at M54 J4, such that a more detailed assessment is not required. As a result, the Highways Agency offers no objection to this planning application.

4.4 SC Outdoor Recreation Team (Parks) (01-05-14) - No objection to amended site layout and the Public Open Space Design shown on the amended site layout plan.

SC Outdoor Recreation Team (Parks) (13-12-13) - Object: According to Shropshire Council's Open Space Interim Planning Guidance, a development of this size should provide 30sqm of useable public open space per bed space. At x6 2-bed houses, x8 3-bed houses and 54 4+ bed houses, the public open space provided in this development should total approximately 7560sqm. The current design clearly shows an area of POS smaller than that of the required amount of useable open space and should therefore be considered insufficient to serve a community of this size. In this instance, the existing pond area is not considered as useable recreational open space.

Currently, the open space provides good connectivity through the site. However, further open space could be provided in order to bring the development contribution in line with the required amount of 7560sqm that links the footpath and access to the wider countryside to the west of the development with the proposed linear open space. Currently, the green corridor does not provide access to the wider countryside area and would only serve as a circular route. Further advantage could be gained from connecting this route to the wider countryside to the west of the development where there is currently a link, but via driveways and pathways and not a green network. This would also have benefits for the wildlife corridor in the area and provide strong linear movement throughout the site.

4.5 SC Public Protection - No Objection: Recommend the inclusion of electric vehicle charging points. Recommend a condition stating

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."

A noise assessment, number 296231-02(01), undertaken by RSK has been employed submitted with this application. The assessment concludes that the two properties closest to the A464 have amenity areas (external areas) subject to levels of noise in excess of 55dB (LAeq,16 hour). As a result this area exceeds World Health Organisation guidelines on community noise and the applicant should

stipulate how this will be mitigated against to provide a reasonable level of amenity in the external areas of these properties. The noise assessment also concludes that:

"...the facades of the properties facing the A464 (plot numbers 1-4 on the drawing reference number A593 02) will be exposed to levels of 63dB(A) during the day and 55dB(A) at night. In order for allow ambient internal noise levels to meet the BS8233 good criteria, the building envelope will have to reduce noise levels by at least 33dB(A). An open window will give a maximum reduction of 15dB(A) and therefore in order to meet the required 33dB(A) attenuation, an alternative means of ventilation will be required to provide background ventilation in habitable rooms without the need to open windows. Suitable systems may be mechanical or attenuated passive natural ventilation systems".

As a result I recommend that the applicant provides information to state how the noise reductions mentioned above will be realised. If no information is provided prior to a decision on this application I recommend that the following condition is placed should this application be granted approval:

Prior to work commencing a noise mitigation scheme shall be produced and submitted to the local planning authority in writing. The scheme will detail how the noise reductions stated in the noise assessment, number 296231-02(01), undertaken by RSK and submitted with this application will be achieved.

Reason: to protect the health and wellbeing of residents

4.6 SC Archaeology – No Objection:

The development proposal involves land to the south east of Shifnal which contains a number of designated and undesignated heritage assets both within the proposed development boundary and in the wider setting.

The applicant has commissioned an archaeological desk based assessment and heritage impact assessment (RSK 190382) that concluded, in terms of the setting of heritage assets, there would be no adverse impacts on the setting of designated heritage assets resulting in loss or harm to their significance. Additionally the report concludes that there will be no significant direct impact on known archaeology.

In respect of previously undiscovered archaeology, the report identified a low potential for archaeological remains to be present within the development boundary for all archaeological periods.

I concur with the first two findings, however in respect unknown archaeology, the potential though low, is not negligible and has not been tested.

RECOMMENDATION:

I confirm that the archaeological desk based assessment (RSK 190382) provides a satisfactory level of information about the archaeological interest of the site to permitted post determination mitigation of the archaeological interest.

In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work, be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a series of trial trenches to test for the presence or absence of un-recorded archaeological deposits, prior to work commencing on site. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works. 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 to fulfil the condition.

4.7 SC Drainage (09-04-14) – No Objection:

The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

The FRA and drainage strategy is acceptable in principle.

1. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope 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.
2. A contoured plan of the finished ground and carriageway levels should be provided to ensure 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. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.
3. Informative Consent is required from the service provider to connect into the foul main sewer.
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

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

SC Drainage (29-12-13) – Comment:

The drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission.

Comment: The drainage strategy and figures quoted in the FRA are generally acceptable although the use of soakaways should be investigated in the first instance as the SUDS applicability is Infiltration. 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.

Reason: To ensure that soakaways are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

Comment: If non permeable surfacing is used on the driveway and parking area and/or the driveway 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.

Comment: 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

- 4.8 West Mercia Crime Prevention Design Advisor – Comment:
The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented.

The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be at www.securedbydesign.com

Finally may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states. It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

- 4.9 Severn Trent Water – No Objection: Recommend condition:
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.

- 4.10 SC Trees (20-05-14) – No Objection: Revised arboricultural information addresses concerns raised in previous consultation responses.

SC Trees (01-05-14) – No Objection:

I have looked at the revised plan (A593-002 Rev D) and I can confirm that it addresses my concerns regarding tree 'liveability' issues surrounding the original layout in the southern corner of the site. I consider that two larger plots as now proposed (plots 41 and 42) offer better prospects for a successful outcome in the long-term, considering the juxtaposition of houses and gardens with nearby mature protected trees.

I would point out that my consultation response of 22/04/14 also requested some additional information on three further points of detail raised in the Arboricultural Method Statement:

1) ground protection for those parts of the Root Protection Area of retained trees that lie outside the tree protection barriers; 2) specification and method statement regarding the main access to the site in the vicinity of mature oak tree T126; 3) specification for 'no-dig' construction in the vicinity of protected oak tree T128.

The details regarding the main access to the site are fundamental (in terms of potential impact on the adjacent mature oak tree) and should be agreed prior to determination. The other two points I consider to be supplementary detail that could be provided as reserved matters (but prior to commencement), as appropriate.

SC Trees (22-04-14) – Comment:

I have reviewed the revised plans and revised Arboricultural Method Statement (5223 FE AMS 01 D, First Environment Ltd, March 2014) submitted in support of this application. I acknowledge that attempts have been made to address the concerns raised in my previous consultation response (dated 6th January 2014) and I particularly welcome the alteration of the layout to allow retention of the mature oak tree T26 adjacent the main access to the site. I further consider that the handing of plot 40, placing the garage nearer the boundary trees and hedge rather than the main dwelling, will significantly enhance the liveability aspect of that property.

However, I consider that the slight realignment of plot 44 will not be sufficient to overcome the overbearing dominance that the adjacent, protected mature oak trees and tall cypress hedge will have upon this property. I would therefore welcome further discussion about the layout and design of this plot in particular.

There are three further points which I consider require additional information to be provided and agreed to the satisfaction to the LPA, prior to commencement of development:

Section 5.5 of the Arboricultural Method Statement deals with ground protection to protect roots outside the tree protective barrier, but does not at this stage provide an exact specification. Suitable details should be provided and agreed.

Further details should be provided as to the means of breakout (if any) of the existing access road and sub-base and construction of the new access road and any associated kerbs and drainage infrastructure, within the Root Protection Area (RPA) of protected oak tree T26. Drawings and method statement should be provided to show how design and implementation will avoid significant damage to roots of tree T26.

Further details are required regarding the proposed no dig installation within the RPA of oak tree T128. A suitable specification should be provided and agreed.

Notwithstanding the above, I have no objection to this application on arboricultural grounds, providing the tree works and tree protection measures are undertaken as specified in the above referenced Arboricultural Method Statement. I would recommend attaching the following tree protection conditions to any approval:

The development shall be implemented strictly in accordance with the Arboricultural Method Statement (5223 FE AMS 01 D, First Environment Ltd, March 2014), particularly sections 5 and 6 and Appendix A tree Protection Plan (FE TPP 04) thereof. Tree works and tree protection measures shall be implemented in the sequence specified in Section 6.8 of that document Order of Works.

Reason: to protect significant trees and hedgerows that contribute to the character of the development and its location from damage during implementation of the development.

I would also recommend attaching a condition requiring further details about the tree and shrub planting to be undertaken to enhance the development:

Prior to occupation of the first dwelling, details shall be provided as to the trees, hedges and shrubs to be planted to enhance the development. The planting plan shall include details of species, sizes, type of stock, numbers, planting patterns, ground preparation / planting pit specification, means of tree / hedgerow protection and support, and arrangements for mulching / weeding, watering and replacement of losses during the first 3 years post-planting. The plan shall stipulate when the planting is to be carried out and by when it is to be completed. The planting shall be implemented as specified in the plan.

Reason: to ensure a satisfactory form of landscaping to enhance the development and contribute to long-term continuity of tree cover in the area.

SC Trees (29-01-14) – No Objection in principle on arboricultural grounds but there are a few points of concern regarding the proposed layout as follows:

1) I consider plots 40 and 44 will suffer an unreasonable degree of restriction to future occupants' enjoyment of the properties. Mature oak trees overhang a significant proportion of these gardens and will cast considerable shade over them and the houses. Future occupants are also likely to have concerns about

the safety of these large trees and the nuisance factors of leaf fall and other detritus from the trees. These issues are likely to lead to pressure for excessive pruning or removal of the trees.

2) I accept the loss of almost all of the trees proposed for removal in conjunction with the submitted layout. However, I would question whether the layout could be revised to accommodate the retention of two mature (veteran) oak trees in particular. These being trees 25 and 26, as described in the tree report (Arboricultural Method Statement, First Environment Ltd, 5223 FE AMS 01C, November 2013).

Tree 25 is the dominant tree in the north-eastern part of the site and is visible from the main road and adjacent land and property to the east and west. It makes a significant contribution to the local landscape from within and beyond the site. However, its presence is incompatible with the location of proposed plots 2 and 3 and I also consider that it would cause similar issues as described for plots 40 and 44 above, for plots 10 – 13 inclusive.

Tree 26 is less prominent in a whole site context, but is nevertheless visible from land and property to the north / north-east. I consider it to be one of the better specimens and, as the tree report states 'capable of making a significant future contribution'. This tree has even more potential given its location near the entrance to the site, where it could make a splendid 'gateway' feature. However, the tree lies directly in the line of the proposed access to the school car park.

As stated above, I would welcome the opportunity to explore whether the layout could be revised to accommodate retention of these two trees in particular, both of which I consider could add significantly to the proposed development.

Notwithstanding the above, should planning permission be granted, I would recommend attaching a tree protection condition to the effect that development should be carried out strictly in accordance with the Arboricultural Method Statement (First Environment Ltd, 5223 FE AMS 01C, November 2013), particularly sections 5 and 6 and Appendix A (FE TPP 03) thereof.

I note that certain landscape planting details (species, numbers and locations) have been provided in the Landscape Design Statement (First Environment Ltd, 5223.Shifnal.LDA.001, 27/11/2013). However, the documents give no detail as to planting methods and specifications, means of tree protection and support, maintenance regimes and replacement of losses. Nor is there an indication of by when the planting should be completed. I would therefore also recommend attaching a condition to any approval requiring this additional information to be submitted to the written satisfaction of the LPA, prior to occupation of the first property. The planting should subsequently be completed as specified in the approved details, prior to completion of the development.

- 4.11 SC Ecology (9-06-14) – No Objection, subject to adjustments being made to the Great Crested Newt mitigation strategy to allow completion of the 3 tests matrix under the Habitats Regulations:
Further to my memo dated 25th April 2014, 6 surveys visits have now been

completed for the additional ponds to the south and west of the application site. Only torching and egg searching were carried out, which is not in line with the Great Crested Newt Mitigation Guidelines. The results are contained in the June 2014 report:

Pond 1 on the site: (June report) peak count of 3

Pond 2 93m south: peak count 1

Pond 3 95m west: peak count 198

This is considered to provide enough data to determine the planning application, but possibly not to achieve an EPS licence from Natural England. It is recommended that a condition requires that development should not commence until a licence has been achieved.

A mitigation strategy is set out by First Environment (March 2014) that includes erection of amphibian fencing, trapping, enhancement of habitat features and risk avoidance measures.

The trapping regime is based on the 'small' population size found in 2012. The June 2014 survey report now recommends a 60 day trapping regime because the 'large' GCN population at Pond 3 is on the far side of a lane. I consider this to be reasonable, although as an EPS licence will be necessary for the development, this matter will be determined by Natural England.

No change to the mitigation strategy or enhancements areas have been proposed as yet, however these are considered necessary in view of the new survey results. The Landscape Masterplan shows retention of the entire tree line along the southern site boundary. It is likely that GCN will use this landscape feature for commuting and it is therefore recommended that the 5m commuting corridor shown the GCN Constraints Plan should be extended along the entire southern site boundary. I would also expect to see a wider buffer between Pond 1 (on site) and the road adjacent to it. Either no gully pots or ones designed to avoid newts falling into them will be necessary on the roads in the vicinity of Pond 1. It is therefore recommended that the GCN Mitigation Strategy and Constraints Plan are updated in view of the new survey results and inserted into condition 2 below.

However the principal that, with adequate mitigation, development can be permitted that would not result in harm to great crested newts has been established.

An European Protected Species 3 tests matrix will need to be completed, which I will provide once an acceptable mitigation strategy is received.

Conditions

1. No development, demolition 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 newts, a European Protected Species

2. 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 by First Environment Consultants Ltd dated **** 2014.

Reason: To ensure the protection of great crested newts, a 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.

Bats

The beech tree sited south west of The Uplands (target note 1) has now been inspected by First Environment (email dated 13.5.14) from the ground and they do not consider any bats are likely to be roosting in it, although a bird is nesting in it.

The following conditions and informative are recommended

Conditions

1. 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.
2. The first submission of reserved matters shall include plans showing a total of five woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, which shall be erected on the site prior to first use of the dwellings hereby permitted All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.
Reason: To ensure the provision of roosting opportunities for bats which are 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.

Nesting birds

The following condition and informative are recommended on this issue:

Condition

1. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.

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

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.

SC Ecology (12-05-14) – Comment – A Great Crested Newt Mitigation Strategy has subsequently been submitted which sets out a series of measures to be carried out in advance of and during the course of development (which would include obtaining a European Protected Species (EPS) licence from Natural England), together with population monitoring on completion of the development and the location of permanent exclusion fencing. Additional survey work has been started with respect to Great Crested Newts but at the time of writing is not complete. Once the great crested newt survey results are completed (by June at the latest) the Mitigation Strategy can be finalised, however, the Planning Ecologist considers that sufficient information is available to make a recommendation on the application.

SC Ecology (25-04-14) – Comment on proposed strategy to extend trapping period to 60 days for Great Crested Newts and to then update the mitigation strategy on basis of findings, due to timescales not allowing for additional presence and absence survey work.

Response is that this is not an acceptable way forward. Basing mitigation on incomplete survey information is a classic case of 'over-mitigation' and will not help secure the EPS licence needed from Natural England. In order to gain an EPS licence, NE will insist on up to date (maximum age 2 years old) and complete survey data. In our experience they can ask for survey information on ponds up to 500 metres away.

Have consistently requested survey data for ponds with 250 metres of the application sites, as a reasonable in our view. If the great crested newt (GCN)

surveys had started in March they could be almost complete by now. Do not see this as an unreasonable request. Understand from Greenscape Environment that they found GCN eggs in the pond at Lodgehill Farm and the HSI for one of the ponds to the south of the housing application has 'good' suitability for GCN, both being within 100 metres of the housing application site. If a medium or high GCN population is found within 100m of the site this should influence the mitigation strategy.

The housing application would have impacts on the GCN population to the south of The Uplands. Advice stands and the 3 tests under the Habitats Regulations would not be passed without the additional data.

This is not an acceptable way

SC Ecology (30-01-14) – Comment

I have read the above application and the supporting documents, including the Extended Phase 1 Habitat Survey by First Environment Limited dated 11th September 2013.

Recommendation:

Great crested newt and bat survey results must be submitted with this application as recommended below. An EPS 3 tests matrix will need to be completed, however there is insufficient information submitted to do this at present.

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).

Great crested newts

First Environment (2013) report that, at the time of the September 2013 survey, there were a total of four ponds on the site that they surveyed. Three of these ponds were in a line along the wooded northern boundary, and the fourth on the south eastern boundary. The application site for 13/04840/FUL only contains the fourth pond on the south eastern boundary. Although Habitat Suitability Index (HSI) assessments were carried out, resulting in HSI scores of good, they state it was already known that Great Crested Newts were present in small numbers from previous surveys but do not provide details. The mosaic of habitats provided good terrestrial habitats for amphibians, although the grassland had recently been ploughed and as such offered little of interest to reptiles and amphibians.

An Ecological Appraisal by CSa Environmental Planning from 2008 for a nearby site surveyed the four ponds on the application site and reported all supporting great crested newts, with the maximum count of 77.

First Environment (2013) correctly states that a European Protected Species Licence for great crested newts will need to be in place before development could take place.

First Environment (2013) report that an updated Great Crested Newt survey of the

ponds is required. As a population of animals is known to be present, six visits will be required between April and mid-June. Of these, three must be in the period mid-April to mid-May. I agree that it is vital that up to date great crested newt surveys are carried out to accompany this planning application. We have stated this in pre-application advice.

Any ponds within 250m of a major planning application (over 10 houses, or more than 0.5 hectare should be assessed in terms of broad suitability for Great Crested Newts by carrying out a Habitat Suitability Index (HSI).

If any pond is suitable then it may be necessary to carry out a presence/absence survey for Great Crested Newts which is made up of 4 survey visits between mid-March and mid-June with at least 2 visits between mid-April and mid-May. Three survey methods (preferably torch survey, bottle trapping and egg searching) should be used on each survey visit. If Great Crested Newts are discovered on the site then it may be necessary to carry out a population size class estimate which involves an additional 2 visits in the specified time period.

The ecologist should make recommendations as to whether a European Protected Species Licence with respect to Great Crested Newts would be necessary and the need for a mitigation scheme and/or precautionary method statement.

The Great Crested Newt survey should be carried out by an experienced, licensed ecologist in line with the Great Crested Newt Mitigation Guidelines by Natural England (2001) and should be submitted with any necessary mitigation scheme and method statement to the Local Planning Authority in support of the planning application.

Reptiles

First Environment (2013) report that “apart from several piles of whole and partially crushed bricks, which were a relatively recent addition, the site contained no suitable refugia or hibernacula for reptiles. There were plenty of basking areas, although the site in its current condition was now thought to be too open, and there were limited foraging opportunities. However, it is known that there is a population of Grass Snakes in the surrounding area, so these may be present on the site.”

No other surveys were considered necessary by First Environment (2013), since the potential for reptiles had been significantly reduced due to the recent ploughing. However, if the sward is allowed regenerates, a full survey should be carried out. This can take place between April and September.

Bats

Excluding a large Beech tree, First Environment (2013) note that none of the other trees within the curtilage of the site supported features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation.

The site itself was thought to be of moderate value to foraging or commuting bats, as cover was provided by the trees and hedgerows, whilst there would have been

insects within the grassland before it was ploughed. They recommend a minimum of two bat activity surveys between June and August. As the existing buildings are not affected by this application, a bat survey of the buildings is not needed, but has been requested for application 13/04841/FUL.

Birds

First Environment (2013) report that the hedgerows, woodland around the ponds and area of dense scrubby woodland provided potential breeding and foraging cover for common birds, and there was a large Beech with a cavity being used for nesting by either a Tawny Owl or Stock Dove.

No evidence of badgers, otter, water vole was found.

Once the required survey information has been submitted, appropriate conditions can be recommended.

- 4.12 SC Affordable Housing – No Objection:
The current prevailing target rate for this area is 15% and therefore for a development of 68 open market dwellings, 10 are required to be affordable in accordance with the SPD Type and Affordability of Housing. There will need to be a financial contribution for the remaining fraction (0.2), this will need to be based on the average floor area of the development. The accompanying planning statement notes this provision and the application form indicates the provision of 6 x 2 bed and 4 x 3 bed. This provision is acceptable to the housing and development team, subject to the required tenure split. The tenure split of the affordable homes will need to 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.
- 4.13 SC Conservation – No Objection:
The application proposes the development of the site for 68 residential dwellings. The site lies adjacent to The Uplands a Grade II listed house, which is subject to another application for conversion and development.
- An archaeological assessment has been provided with the application which has outlined the history of the site and surrounding designated assets. The assessment concludes that the development would have an impact on the adjacent listed building but is considered to be of minor, negative significance. I concur with this conclusion.
- The application includes a detailed Design and Access statement which has assessed the vernacular design and details of the area and provides a design strategy for the site. The design approach is considered appropriate.
- 4.14 St Andrews School head teacher –Comment:
-School accepts issues relating to car parking, but school governors have never agreed to school being part of planning proposals.
-School would require a facility for parents to drop off children rather than a car

park.

-School is oversubscribed already; accept school could cater for an increase from 296 to 320 to cater for families on Thomas Beddoes estate but extra pupils in addition will impact upon facilities needed at the school.

-Community Infrastructure Levy will provide insufficient funding for all facilities needed in the town.

4.15 SC Learning and Skills – Comment:

Local Authority's prime concern for the town's schools is the statutory provision of sufficient school places and related building infrastructure to support these places; would not want this to be compromised by the provision of other facilities that might be desirable, but not as crucial.

Planning Policy Comment: Any additional school places will be funded through CIL in accordance with the LDF Implementation Plan, page 124 of which makes it clear that expansion of primary and secondary places in Shifnal will come from CIL.

-Public Comments

The comments received are summarised below and the full letters/comments may be found on the planning file:

4.14 Original Site Layout:

12 Objections:

-Shifnal being forced to accept disproportionately high quantity of new houses compared to other Market Towns.

-Development needs to be delivered in incremental phases.

-Safeguarded land.

-Site rejected in Shifnal Housing Sites Assessment update 2013 due to it being remote from the start of development proper and having little or no capacity for housing due to its rural character.

-No need.

-Local people oppose allocation of this land for development; majority of Shifnal Town Councillors voted against proposed allocation 12-09-13.

-Contravenes policy CS 3.

-If all developments allowed would increase town size by 60%.

-Significant Adverse Impacts sufficient to outweigh the National Planning Policy Framework, as increasing size of Shifnal by over 40% would destroy character of Town and there would the expansion stop?

The cumulative effect of development approvals and NPPF gives Planning Committee backing to refuse.

-Flood Risk issues being ignored; not a sustainable location.

-Water table has risen several inches in last 4 years.

-Building 68 houses could lead to localised flooding.

-Outfall to Wesley Brook is largely unknown; Should be thoroughly investigated and mapped and proven to be satisfactory.

-Opportunity to provide new outfall to Wesley Brook avoiding future problems.

-In 2007 there were floods in Park Lane and Wolverhampton Road appeared as small rivers; drainage system unable to cope with surface water run off from

saturated land including The Uplands.

- Houses in Park Lane flooded recently with water running off this field.
- Standing water on field.

- Question capacity of schools, doctors and other local services.
- Infrastructure will not cope.

-Over 1km from Shifnal Town Centre and will encourage car use, increasing congestion; not within sensible walking distance of Shifnal Centre.

- Transport Assessment does not include the 250 dwellings proposed off Wolverhampton Road or potential future development to the south of this site, which would impact on design for priority junction with A464.
- Bus service to Traylor Wimpey development has never been provided.
- Additional traffic joining A464 detrimental to highway safety; school traffic would have an adverse impact on highway safety.
- Cause traffic chaos.
- Congestion on A464 at peak school times.

-Loss of view.

- Connection to Park Lane will create alleyway for antisocial behaviour.
- Harm residential amenity.
- Loss of privacy and of a quiet and safe residential environment.
- Concerned about reference to potential future access on drawings.
- Affect human rights.

-Meadow is home to many large mature trees and Great Crested Newts.

- Trees, hedgerows and Great Crested Newts on site would need extensive mitigation measures.
- Full survey needs to be undertaken of pools/ponds for Great Crested Newts.
- Much flora and fauna on site due to land not having been used for crops or grazing for many years.
- Loss of trees and hedgerows; harm to root systems.
- Loss of valuable green space.

-Loss of semi rural approach to Shifnal along A464.

- Does not respect local context and street pattern, or scale and proportions of surrounding buildings, with properties along Park Lane having large plots with large spacing between.
- Out of character.
- Cramming on a low density road.

-Houses would not be affordable.

Amended Site Layout:

5 Objection letters received adding to/reiterating objections summarised above:

- Loss of light or overshadowing of existing properties.

- Overlooking/loss of privacy to existing properties.
- Harm visual amenity.
- Noise, smell and disturbance from building works.

- Question adequacy of parking/loading/turning on and around the site.

- Highway safety concerns remain.
- Road access inappropriate.
- Transport and accessibility not sustainable.
- Location will not promote a reduction in transport emissions by reducing need to travel and promoting the use of public transport, cycling and walking in order to reduce car dependency.
- Removal of flawed school car park proposal from scheme means there is now no justification for this site being developed.

- Surface water outfall and flooding issues previously raised not addressed.
- High surface water flood risk area located along the sites western boundary with -Park Lane identified in extract from Surface Water Flood Risk Map Flood Risk Assessment March 2014 Issue 4.
- Concerned about condition of brick culvert under Park Lane and its ability to cope with surface water flows should this development go ahead.

- Inadequate Town infrastructure.

- Loss of trees and fields around Shifnal; impact upon nature and wildlife conservation for known Great Crested Newts.

- Layout and density of buildings inappropriate for countryside development.

- Fears of compensation and awards of costs against Council at public inquiries needs to be discussed.

- Shifnal has now passed the point where any further housing developments added to those already approved would be unsustainable.

5.0 THE MAIN ISSUES

Principle of development
 Affordable Housing and on site Development Mix
 Design, Scale and Impact on character of area and setting of listed building
 Sustainability
 Highway Safety
 Flood Risk and Drainage
 Residential Amenity
 Open Space
 Ecology
 Trees

Archaeology
Loss of Agricultural Land

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 part of 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 1st April 2013, there was a 4.95 year supply of housing land. The Council is now 13 months on from that calculation and the under delivery of housing in recent years is not being made up. 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. 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 the parcel of 7.6 hectares of landland which, in the SAMDev Revised Preferred Options consultation of July 2013, was allocated for a residential development of up to 160 homes. (Land at The Uplands, south of Wolverhampton Road ref SHI – 002). The inclusion of this land for residential purposes in that consultation, with the support of Shifnal Town Council at the time it was formulated, demonstrates that the Council considers it to be an appropriate location for residential development. The allocation of the site for residential development in the revised preferred options version of SAMDev also 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 cumulative effect of all sites proposed in the revised preferred options consultation was considered to be acceptable in terms of the ability of Town infrastructure to support those developments: Otherwise all the sites would not have been put forward in that document. The site has not been carried forward in the SAMDev Final Plan as a housing site, but, this factor does not outweigh the 5 year land supply considerations explained in paragraphs 6.1.1 to 6.1.4 above.

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

6.2 Affordable Housing and on site Development Mix

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 the 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. In this particular case the applicants are prepared to deliver affordable housing at the 15% prevailing rate applicable at the time the application was submitted (amounting to 9 units in the revised scheme, together with a financial contribution equating to 0.9 of a unit). It is considered that the affordable housing mix of two and three bedroomed units and positioning within the proposed development is acceptable. The agent has confirmed that his clients would agree to the 70% rented and 30% low cost home ownership tenure split sought by the Council’s Type and Affordability of Housing SPD, the provision of 10 units on site, which slightly exceeds the minimum provision required by the prevailing rate and thereby avoids the need for a supplementary financial contribution. The mechanism to secure this delivery of affordable housing and for it to be affordable in perpetuity would be included in a section 106 agreement.

The applicants comment with respect to the size of the affordable units that a specific Registered Social Landlord (RSL) has not been selected yet, but Redrow regularly provide its ‘Stour–Avon’ units to RSL’s. This position was accepted with regard to the same affordable dwellings units in 13/03055/FUL relating to the Springhill Industrial Estate site.

6.2.2 Throughout the whole development there would be 4 two bedroomed properties; 7 three bedroomed properties; 41 four bedroomed properties and 14 Five bedroomed properties. The precise dwelling mix is a marketing decision for the applicant, but it is considered that the mix of development proposed here in the Shifnal context with existing and proposed developments would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities.

6.3 Design, Scale and Impact on character of area and setting of listed building

6.3.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural

styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

- 6.3.2 It is considered that the revised layout and reduction in the numbers of dwellings compared to that originally proposed results in a development which would be in keeping with the locality.
- 6.3.3 The proposed house types would be well proportioned and appropriate for this location. The designs would have features which reflect the 'Arts and Crafts' movement of the later 1930's. Ten of the Fifteen house types proposed, including the affordable units, are the same as those which were approved for the Springhill Industrial Estate site, Shifnal at the 7TH January 2014 South Planning Committee meeting (ref 13/03055/FUL). The other house types exclusive to this site are a mix of four and five bed roomed detached dwellings, with one of these being of 2.5 storeys, and are of a complementary style. The predominant use of brick and tile, but with some units having rendered elements and tile hanging and gable boarding, would reflect features found in and around Shifnal. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, would provide variety and interest to the street scenes.
- 6.3.4 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions. The Uplands lies to the north of the proposed dwellings and is listed grade 2. In this particular case the proposed built development would not encroach upon the immediate setting of the listed building and would not significantly impact upon the outlook from its principal elevations. The Council's Conservation Officer is content that the impact of the proposed development on the setting of the listed building would be minor and not to a degree that would warrant a refusal of planning permission. She considers the design approach to the housing development, which has taken into account the vernacular design and details of the area to be appropriate.
- 6.3.5 It is considered therefore, for the reasons explained above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and would not detract from the quality of the built environment to this part of Shifnal, satisfying Core Strategy policy CS17 in this respect.

6.4 Sustainability

- 6.4.1 Core Strategy policy CS6 seeks to encourage sustainable design and construction principles. The applicants have submitted a sustainability statement in which they

advise that their approach to the building fabric and energy efficiency would be to source materials from local suppliers, supporting the local economy, and to use recycled materials where possible; to design the fabric of buildings to minimise heat loss, utilising passive heat from the sun, maximising daylight penetration. Appropriate insulation and air tight seals would be incorporated into the buildings; energy efficient lighting would be installed in all houses, A and B energy efficiency ratings for any white goods supplied and water saving features such as low flow taps and showers and dual flush cisterns. Timber would be sourced from sustainable managed sources and they favour the use of non-toxic water based paints. Materials would be recycled as part of the development process. While no features such as solar energy generation are proposed the southerly aspect of many of the proposed units would make this a future fit option. The social and economic facets of sustainability objectives set out in the National Planning Policy Framework, at paragraph 7, in addition to environmental considerations, would be met by the easily accessible location of this site, the provision of a wide choice of new homes, affordable housing and community and green open space, supporting direct jobs during the construction period and those in the supply chain, as well as local services and shops when the dwellings are occupied. Sustainability has many facets and it is considered that the combination of factors outlined would satisfy the economic, social and environmental roles of sustainable development set out in the NPPF and the absence of features such as photovoltaic panels would not justify a refusal of planning permission in this case.

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 A Transport Assessment has been submitted with the planning application. The application has taken into account the committed developments in Shifnal of Thomas Beddoes phase 1, land at Haughton Road (12/04646/OUT); land at Coppice Green Lane (13/02989/OUT) and Springhill Industrial Estate (13/03055/FUL), but has not considered applications at land north east of Stone Drive for up to 250 dwellings (14/00062/OUT) and land between Lawton Road and Stanton Road for up to 100 dwellings plus a 60 bed care home (13/05136/OUT) which are under consideration and upon which, at the time of writing this report,

there has been no decision taken.

The Assessment comments that the proposed development would be within 250 – 300m of the proposed bus stops within the Thomas Beddoes Court phase 1 development and some 900m from Shifnal Railway Station, which would be a walking time of some 12 -13 minutes. It states that the statutory walking distance to schools in the Education Act 1996 is up to 2 miles for children up to 8 years old and up to 3 miles for children 8 years old and above. It observes that there are four schools within 2 miles walking distance of the application site, comprising of two primary, one secondary and one college. A number of High Street shops on Bradford Street and Market Place are within a walking distance of 1km. The Traffic Impact Assessment has assessed traffic flows from the development and the impacts upon key junctions and their operation in the town at 2013 and future year 2018 with committed development (as defined in 6.5.2 above) and the proposed development. It concludes that the proposed development would not result in any material increase in traffic on the local road network. With regard to the Bradford Street/Aston Street junction it acknowledges that in the 2018 PM peak hour the junction would operate just above the recommended theoretical capacity with the committed and proposed development in place. The Market Place/Bradford Street junction would operate above the recommended theoretical capacity with the committed and proposed development in place, with an increase of three vehicles queuing in the AM peak hour and five vehicles in the PM peak hour. The Assessment comments that all other junctions would operate within capacity and concludes that the proposal would not cause material reduction in the performance of the analysed junctions in Shifnal or on the surrounding road network. It acknowledges that the Highway Authority are undertaking a paramics model to determine the individual and cumulative impact of residential developments in Shifnal.

- 6.5.3 The Transport Assessments submitted with other housing applications in Shifnal have concluded that the Aston Street/Bradford Street priority junction and the Victoria Road/Bradford Street/Market Place priority junctions are predicted to experience capacity constraints and queueing, and that capacity constraints are already experienced at these junctions. It is considered that the Transport Assessment in this case should have addressed the SAMDev housing site allocations for land north east of Wolverhampton Road (the subject of current application 14/00062/OUT) and land south of Aston Road (the subject of current application 13/05136/OUT) due to their inclusion in all stages of SAMDev demonstrating a strong likelihood that some form of development will come forward on this land, cumulatively impacting upon junctions in the town and the local road network with the current proposal. It is considered however that the other transport assessments which have been commissioned for developments in Shifnal can be taken into account in assessing the current proposal to address this issue.
- 6.5.4 The Council's Highways Development Control Team have studied the Transport Assessment and its conclusions, and their comments are set out at 4.2 above
- 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. Highways Development Control are seeking a contribution towards encouraging more sustainable travel from the development in the context of the strategy being developed. In particular reference is made in their comments to improving bus provision to the proposed development site. There are also wider infrastructure works and improvements to sustainable transport links within the Shifnal area which would be to the benefit of this development. It is considered therefore that an appropriate contribution towards the Shifnal Travel and Movement Strategy is justified and can be secured through the Section 106 Agreement in this case. Any decision to grant planning permission would be subject to satisfactory agreement being reached on the form/amount of this contribution. A contribution to a traffic order to reposition the 30mph speed restriction signs on the A464 to the south east of the site access would also be secured through the Section 106 Agreement.

- 6.5.6 Highways Development Control are content that the proposed highway layout within the site is acceptable on highway safety grounds and would allow for adequate access by service vehicles. The amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the south east Shropshire area, and these standards are achieved without counting garages as parking spaces.
- 6.5.7 The footpath/cycleway connection through to Park Lane would provide a convenient route to the school and southern areas of the town, as well as access to the Town Centre. It would provide a sustainable transport option and alternative to the private car for shorter trips 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 Flood Risk and Drainage

- 6.6.1 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 the existing runoff rate and not result in an increase in runoff. A Flood Risk Assessment has been submitted with the application. This confirms that the proposed development falls within flood zone 1. The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme meets this objective and passes the sequential test. The Flood Risk Assessment identified that the bulk of the site is at low risk from surface water flooding, although the western edge of the application site, including the access from Park Lane, is at high risk of surface water flooding. The drainage strategy has been designed to ensure that any surface water run-off is intercepted by gullies and drainage channels to ensure the proposed properties are not affected by overland flows generated off site. Similarly surface water run-off from the site would be intercepted so that it does not leave the site and pose a flood risk to third parties. The development would be designed to accommodate flows arising from the 1 in 100 year storm + 30% for climate change with discharge rates from the residential

development limited to greenfield run-off rate.

- 6.6.2 The proposed surface water drainage would not involve soakaways, based on a study of ground conditions and geological data. On site storage would be provided by oversized pipes and storage crates and released at the equivalent green field run-off rate. Water would be released slowly at a controlled rate which during heavy rainfall events would prevent water flowing off site and into third party land. The outfall of the surface water drainage would be to a new open ditch within the grounds of The Uplands, which would also serve the proposed 'extracare' conversion and extension scheme which is the subject of separate applications. The ditch would convey flows to the existing ponds to the north of 'The Uplands' which under present greenfield conditions already receive surface water run-off from the field. Utilisation of existing attenuation ponds would allow sedimentation to take place and pollutants to be trapped which contributes to water quality improvement. The drainage consultants have explained:

"Although the total impermeable area of the site has increased, during storms water will be captured by the on site drainage network, and stored in the aforementioned facility until it is released at this controlled rate. Consequently, storm water from the site will no longer contribute to flooding downstream. Reducing the rate at which storm water leaves the site to half the rate expected during a 100 year storm event, is a sizeable reduction in the rate at which water will leave the site.

The storage facility provided is sized to capture all storm water for all events up to and including the 1 in 100 year storm, with an additional 30% storage to account for climate change. This conforms with both National Guidance and Shropshire Council's requirements.

It is clear that post development the downstream risk of flooding caused by this site has been significantly reduced."

The existing ponds, ditch and proposed ditches would be maintained by a private management company. The foul and surface water drainage systems within the development site are likely to be adopted by Severn Trent Water under separate agreements with them through the Water Industry Act. Foul water would be disposed of to the public sewer and separate consents sought from Severn Trent under the same Act.

- 6.6.3 The Council's Flood and Waste Water Management Team is content that the precise foul and surface water drainage details can be the subject of a condition on any planning approval issued in this case. The work carried out so far is sufficient to demonstrate that the proposal would not increase the risk of flooding elsewhere or cause pollution of the water environment.

6.7 Residential Amenity

- 6.7.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The living conditions of the dwellings along Park Lane, whose gardens back onto the application site, would not be significantly affected due to the resulting separation distances of some 45 – 50 metres provided by the length of their gardens. Similarly the residential amenities of The Uplands to the north and Beech House to the east/southeast would not be unduly harmed by the proposed development. The

open space in the north western corner of the development and the existing access through onto Park Lane, which would be for pedestrian and cycle use only, would not unduly harm the living conditions of the adjacent properties.

- 6.7.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself
- 6.7.3 The proposed dwellings on the application site could be affected by the presence of A454 Road. This issue has been addressed by the submission of a noise impact assessment. The noise assessment concludes that satisfactory mitigation can be provided for dwellings through a combination of suitable window designs, including secondary glazing. These details can be conditioned on any planning permission that is issued.
- 6.7.4 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed elsewhere through SC Pollution Control recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued.

6.8 Open Space

- 6.8.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. The comments of the Council's Outdoor Recreation Team were that the original site layout did not provide enough useable open space when appraised against this guidance. Following discussions the site layout has been amended, providing a larger area of open space immediately next to the footpath/cycle way connection to/from Park Lane. The removal of the school car park proposal has also created more open space at the northern end of the site. The Outdoor Recreation Team are now content that the open space design in the revised site layout would be acceptable.
- 6.8.2 The agent has indicated that the maintenance of this open space is likely to be through a management company. Measures to secure the future maintenance of the open space would be included within a Section 106 Agreement linked to any grant of planning permission.

6.9 Ecology

- 6.9.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. An Ecological Assessment has been submitted with the planning application. The Council's Planning Ecologist has studied the Extended Phase 1 Habitat Survey submitted and is in agreement with the report submitted that it is vital to have up to date Great Crested Newt surveys carried out to accompany this planning application. Bat activity surveys with respect to the cover provided by the trees and hedgerows are recommended by the Habitat Survey and the Planning Ecologist agreed that these were necessary. It is accepted that, due to the ploughing of the land, no reptile surveys would be needed unless the sward is allowed to regenerate, and there is no evidence of badgers, otter or water voles on site.

6.9.2 A Great Crested Newt Mitigation Strategy has subsequently been submitted which sets out a series of measures to be carried out in advance of and during the course of development (which would include obtaining a European Protected Species (EPS) licence from Natural England), together with population monitoring on completion of the development and the location of permanent exclusion fencing. Additional survey work has been carried out with respect to Great Crested Newts has also been completed. The Great Crested Newt Survey Report sets out, based on these findings, a mitigation strategy to ensure the development would accord with protective species legislation. The Planning Ecologist's comments on this survey report are set out under date reference 9-06-14 at 4.11 above. She considers the investigations have established the principle that, with adequate mitigation, development can be permitted that would not result in harm to great crested newts. It is requested that the Committee, if minded to approve this application, give delegated authority for Officers to negotiate adjustments to achieve an acceptable mitigation strategy.

6.9.3 European Protected Species (EPS) Licences will be needed with respect to Great Crested Newts. The EPS tests in respect of Great Crested Newts are considered to be met in that there is an overriding public interest at a national level due to 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, the connectivity to the existing built up area with sustainable transport options/links, and the fact that the development would not be on Green Belt land around Shifnal, means that there is no satisfactory alternative to the development of this land for residential purposes as part of seeking to achieve a minimum 5 year plus 20% buffer housing land supply for the County. The identification of the site as a housing site in the June 2013 Revised Preferred Options version of SAMDev also demonstrates the Council considers the site could accommodate housing. It has been established through the investigations carried out and with the recommended mitigation (with adjustments as discussed in 6.9.2 above), that the development would not be detrimental to the maintenance of the population of Great Crested Newts at a favourable conservation status within their natural range.

6.10 Trees

6.10.1 Core Strategy policies CS6 and CS17 seek to protect those features which contribute to local character, which includes the more significant trees on the application site. The inclusion of established trees within a development proposal also assists in assimilating that development into the landscape and the development layout should not prejudice the long term retention of those trees. The County Arboriculturalist's comments are set out at 4.10 above.. The revisions made to the scheme by the deletion of the school car park proposal has allowed for the retention of tree 26 in the tree report, which is a mature (veteran) oak which is one of the better specimens on site and is capable of making a significant future contribution, and would make a 'gateway' feature to the development. With regard to the oak tree (tree25) in the north eastern part of the site that is proposed for removal, it is considered that it would not be practical to retain this tree in a development scheme as it would render a significant area of the site unsuitable for built development. In the balance of all considerations relating to this development, including those relating to five year land supply and the existing tree cover which

would be retained in the proposed scheme, it is not considered that the removal of this tree would be a sustainable reason for refusing planning permission.

- 6.10.2 The revisions to the site layout in the vicinity of plots 40 – 44 have addressed the County Arboriculturalist's concerns about the mature oak trees overhanging and overshadowing a significant proportion of garden areas and their proximity to proposed dwellings, and the nuisance which may have arisen leading to pressures to prune or remove the protected oak trees. The details of tree protection measures during the course of development, and the precise details of all new planting proposed, can be conditioned on any approval issued.

6.11 Archaeology

- 6.11.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted with the application. The Council's Archaeology Team have studied this report and have advised that although the potential for previously undetected buried archaeological remains being impacted remains low, it is not negligible and has not been tested. They recommended condition that a programme of archaeological work be carried out in accordance with an approved written scheme of investigation would be a condition of any outline planning permission issued.

6.12 Loss of Agricultural Land

- 6.12.1 The site lies on grade 3 agricultural land. 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), the inclusion of this land as a residential development site in the SAMDev Revised Preferred Options of July 2013 and the grade 3 classification, it is considered that a refusal on the grounds of loss of agricultural land could not be sustained.

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, and would satisfy the economic, social and environmental dimensions of sustainable development set out in the NPPF. The site is deliverable within the immediate 5 year timescale.

- 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, including the setting of the listed 'The Uplands' dwelling. The site layout and design of the dwellings would not unduly harm neighbour amenity. There are no ecological, tree protection, archaeological or drainage reasons that would justify a refusal of planning permission. The proposed junction design and internal road network would not be detrimental to highway safety; there would be a pedestrian/cycle link available as an alternative to private car use and the site is within walking distance of local services and facilities. Affordable housing would be provided at the current prevailing rate. The scheme would make a contribution towards affordable housing and the Travel and Movement Strategy for Shifnal through the Section 106 Agreement.

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
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

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Arboricultural Method Statement

Extended Phase1 Habitat Survey

Great Crested Newt Mitigation Strategy and Survey

Archaeological Assessment

Flood Risk Assessment and Drainage Strategy

Transport Assessment

Framework Travel Plan

Landscape Design Statement

Noise Assessment

Preliminary Risk Assessment

Arboricultural Method Statement

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Stuart West

Appendices

APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The submitted travel plan shall be implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

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

4. Prior to the commencement of the development full engineering details of the T junction to the A464 Wolverhampton Road including layout, construction, drainage, lighting and visibility splays, and of the proposed footway along the A464 Wolverhampton Road, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before any of the dwellings they would serve are first occupied.

Reason: To ensure a satisfactory means of access to the highway.

5. Prior to the commencement of the development full engineering details of the new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure a satisfactory access to the site and dwellings, in the interests of highway safety.

6. 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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o 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.

7. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The use of soakaways should be investigated in the first instance for surface water disposal. 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. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible in the greenfield area, 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.

If soakaways are not feasible in the brownfield area, drainage calculations to limit the proposed discharge, for a range of 1 in 100 year plus 30% storm durations, to an equivalent existing run-off rate based on a rainfall intensity of 50mm/hr, plus 50% betterment, should be submitted for approval.

The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways.

The drainage scheme shall demonstrate how surface waste run off will be managed and how the flow of flood water could be routed away from property and not cause flooding of any property either within the proposed development or any other in the vicinity and to ensure that the finished floor levels are set above any known flood level.

The approved schemes shall be completed before the development is occupied.

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

8. Prior to work commencing on plots 1 to 4 of the development details of a scheme to insulate them against noise from the adjoining A464 road shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. Alternative ventilation shall be provided if windows need to be kept shut as part of the scheme. The occupation of the premises shall not commence until the approved works have been fully completed and the works shall thereafter be maintained in place.

Reason: To ensure a satisfactory living environment for the occupiers of the proposed dwellings identified.

9. 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.

10. Prior to the first occupation of the dwellings details of the design and siting of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species 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 timetable to be approved in writing by the Local Planning Authority.

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

11. 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 by First Environment Consultants Ltd relating to this development dated **** 2014. (The date to be inserted would be that of the final agreed mitigation strategy).

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

12. Prior to the first occupation of the dwellings details of design and siting of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with a timetable which has been approved in writing by the Local Planning Authority.

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

13. Prior to occupation of the first dwelling, details shall be submitted to and approved in writing by the Local Planning Authority of the trees, hedges and shrubs to be planted to enhance the development. The planting plan shall include details of species, sizes, type of stock, numbers, planting patterns, ground preparation / planting pit specification, means of tree / hedgerow protection and support, and arrangements for mulching / weeding, watering and replacement of losses during the first 5 years post-planting. The plan shall stipulate when the planting is to be carried out and by when it is to be completed. The planting shall be implemented as specified in the plan.

Reason: to ensure a satisfactory form of landscaping to enhance the development and contribute to long-term continuity of tree cover in the area.

14. 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.

15. The development shall be implemented strictly in accordance with the Arboricultural Method Statement (5223 FE AMS 01 D, First Environment Ltd, March 2014), particularly sections 5 and 6 and Appendix A tree Protection Plan (FE TPP 04) thereof. Tree works and tree protection measures shall be implemented in the sequence specified in Section 6.8 of that document Order of Works.

Reason: to protect significant trees and hedgerows that contribute to the character of the development and its location from damage during implementation of the development.

16. No construction materials or articles of any description shall be placed on the ground within the areas enclosed by protective fencing provided in accordance with the above condition, nor shall the existing ground level be raised or lowered or any trenches or pipe runs excavated within these areas, unless this work is carried out in accordance with an Arboricultural Method Statement which has been approved in writing by the Local Planning Authority.

Reason: To ensure that trees and hedges to be retained are not damaged by building or engineering works.

17. Demolition or construction work shall not take place outside the following times:
- Monday to Friday 0730hrs 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.

18. No development approved by this permission shall commence until a programme of archaeological work has been secured on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall make provision for a series of trial trenches to test for the presence or absence of un-recorded archaeological deposits, prior to work commencing on site. The programme of archaeological work shall thereafter be carried on in complete accordance with the approved specification.

Reason: The site is known to hold archaeological interest.

19. Before any dwelling on the site is first occupied measures to prevent the pedestrian and cycle link through to Park Lane being used by motor vehicles shall be installed in

accordance with details which have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be maintained in place.

Reason: To safeguard neighbour amenity and in the interests of highway safety.

20. No development, demolition 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 newts, a European Protected Species.

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 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. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or>

development/, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

6. 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 a Natural England licenced bat ecologist should be contacted for advice.
7. 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 a Natural England licenced ecologist should be contacted for advice.
8. If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse.
9. 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.
10. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should apply to the Coordination Manager at the Bridgnorth - Bridgnorth.highways@Shropshire.gov.uk Who shall be given at least 3 months notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an appropriate licence, approved specification for the works together and a list of approved contractors, if required The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an

Agreement under Section 278 of the Highways Act 1980 entered into. The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 38 and/or 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

11. 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."
12. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy 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
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

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<u>Committee and date</u>
South Planning Committee
24 June 2014

<u>Item</u>
11
Public

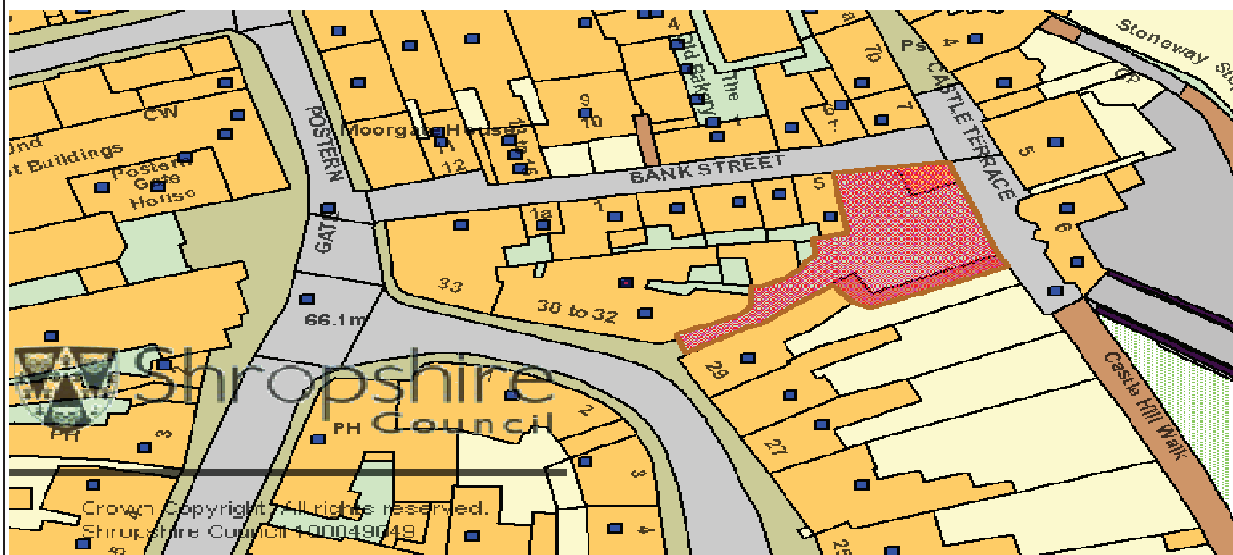
Development Management Report

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

Summary of Application

Application Number: 13/04956/FUL	Parish:	Bridgnorth Town Council
Proposal: Erection of one dwelling and formation of access		
Site Address: The Habit 30 East Castle Street Bridgnorth Shropshire WV16 4AN		
Applicant: G C Rickards (Investments) Ltd		
Case Officer: Thomas Cannaby	email: planningdmse@shropshire.gov.uk	

Grid Ref: 371681 - 293029



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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement relating to the affordable housing contribution and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a single dwelling on a plot of land to the rear of the former Habit public house in East Castle Street. A previous application (13/03529/FUL) was submitted for 3 dwellings on this site, but this was withdrawn following the consultation period and before any decision was made on the application.
- 1.2 The proposed dwelling would have an L-shaped footprint, with the longer elevations set parallel to the side elevation of 5 Bank Street and also across the rear of the property which would run in line with the rear of 5 Bank Street. The property would be a three storey dwelling to the front (facing Bank Street), and a two storey dwelling to the rear due the property being set into the ground and the change in ground levels between Bank Street and the internal ground levels of the site. The upper floor of the property would be located partially in the roof space, and would be lit by eaves level dormer windows.
- 1.3 In terms of scale the property would have an eaves level slightly below that of No.5 Bank Street, approximately in line with the eaves level of the dwelling opposite on Castle Terrace, and with a ridge height comparative to No. 5 Bank Street. The width of the dwelling would be approximately the same as the width of the two storey block of 5 Bank Street, with the property set back from the front elevation of No.5 and with the L-shaped footprint creating a staggered frontage that steps back the front elevation as it approaches the junction with Castle Terrace.
- 1.4 The site is bordered by a tall brick wall, with runs from the gateway leading to the Habit off Castle Terrace, around the site boundary to adjacent to No.5 Bank Street. The application would remove a more recent section of this wall to enable a frontage onto Bank Street to be created, but would retain the wall along Castle Terrace and partially along Bank Street.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a plot of land located to the rear of the former Habit public house which has been granted consent to be converted into dwellings. The land is a car park/yard area, bordered by a tall brick built wall forming the boundary with Castle Terrace and Bank Street.
- 2.2 The site is at an elevated position in comparison to Bank Street, with the land inside the boundary wall being approximately 2m higher than the level of Bank Street.
- 2.3 The site is located within the development boundary of the town (as set out in the Bridgnorth District Local Plan saved policy S1), and also within the Conservation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is referred to committee for determination as the Town Council has expressed a view contrary to the Officer recommendation. The Area Manager and Principal Officer in consultation with the chairman agree that the Town Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Bridgnorth Town Council – Objects

Updated comments:

Members of Bridgnorth Town Council's Planning Committee re-examined this application in the light of additional information which had become available and RESOLVED: that Members submit a revised recommendation of refusal having taken into account new information received regarding the window in the side of 5 Bank Street, which was not shown on the plans submitted; the loss of right to ancient lights on the existing properties both on Castle Terrace and opposite the proposed development in Bank Street, which was now apparent from information not originally available to Members by way of correspondence and photographs; and that as a result it was felt that the aforementioned had a detrimental effect which would not enhance this Conservation Area and would therefore result in an over development.

Original comments: (Comments withdrawn).

Recommend approval

4.1.2 Shropshire Council Conservation Officer – Recommend approval subject to conditions

The Proposals would enhance and reveal the significance of the Conservation Area. As such it accords with policy 137 of the NPPF and Policy CS6 of the Shropshire Core Strategy.

4.1.3 Shropshire Council Archaeologist – no objection subject to conditions

Latest response following submission of archaeological investigation of site as detailed in archaeology section below.

4.1.4 Shropshire Council Ecologist – No comments on application

4.1.5 Shropshire Council Land Drainage – no objection, drainage details can be conditioned.

4.1.6 Shropshire Council Highways – No objections. Comments on previous application (13/03529/FUL)

4.2 - Public Comments [summary of issues]:

4.2.1 9 Objection comments:

- ☐ Loss of light to nearby properties due to height and proximity of new building. Would impact properties on Castle Terrace and Bank Street.
- ☐ Building would be overly dominant towards neighbouring dwellings.
- ☐ Change in atmosphere and character of Castle Terrace.
- ☐ Lack of Parking (1 space)
- ☐ Concerns over highway safety at entrance onto Bank Street.
- ☐ Disruption caused by builders traffic and materials
- ☐ One new house would make little impact on housing stock in the area, however it would have a large impact on neighbouring properties.
- ☐ Building out of place in conservation area.
- ☐ Additional impact on overloaded drainage system, and impact of surface water run off seeping into the winding room of the funicular railway being exacerbated.
- ☐ May create precedent for more dwellings on rear gardens around the Castle Walk.

4.2.2 Comments in Support:

- ☐ Supports 1 residential unit
- ☐ Application has addressed many of the issues raised in objection to the previous scheme for 3 dwellings which was withdrawn, in particular there would no longer be a development fronting Castle Terrace, and causing access issues.
- ☐ No objection subject to:
 - o Prohibition of vehicular access from Castle Terrace
 - o Measures put in place to ensure continual access to Cliff Railway station during construction
 - o Measures taken to address surface water run off from site.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Bridgnorth is a market town under Core Strategy policy CS3 as a focus for development and Local Plan policy H3 identifies Bridgnorth as a settlement where general market housing may be permitted on appropriate sites and where it would reuse currently vacant land within the town development boundary. If permitted the proposed development would be subject to a contribution towards affordable housing, to be secured by a S.106 legal agreement, and a payment under the Community Infrastructure Levy as set out in policies CS9 and CS11 of the Core Strategy.

6.1.2 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is the

obligation to have special regard to the desirability of preserving the character or appearance of Conservation Areas in carrying out statutory functions. Core Strategy policies CS6 and CS17 are consistent with this guidance, with CS6 requiring development to protect, restore and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. CS17 states that development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2 Siting, scale and design of structure

6.2.1 A number of third party comments have raised questions on whether or not the design of the proposed dwelling is appropriate for the site in the conservation area. The Council's Conservation officer has been consulted on this proposal and has commented that the design would not have an adverse impact on the character or appearance of the conservation area.

6.2.2 The building has a similar height and massing as that of the adjacent property No.5 Bank Street, and would be set back from the front elevation of Bank Street, with a staggered front elevation which would respond to the corner of the junction with Castle Terrace. Whilst the property would be a tall building, and create a somewhat enclosed street in this location, this would not be out of place with the townscape in the area which is characterised by narrow streets along both Bank Street and Castle Terrace.

6.2.3 When viewed from the vantage along Castle Walk, the site is largely screened from view until a viewer is close to the site, passing the Cliff Railway Station building, at which point the view of the site is largely taken up by the tall boundary wall which would be retained, with the new dwelling visible above this and presenting a gable end to the side. Views from further along the Castle Walk are restricted by a change in ground levels, the boundary walls that border the Castle Walk and also the presence of an outbuilding in one of the rear gardens.

6.2.4 It is considered that the proposed dwelling would reflect the character and setting of the conservation area through the design and style of the proposed dwelling, and the position of the property in the street scene which would reflect the narrow street patterns in the area whilst the staggered frontage would respond to the corner junction between Castle Terrace and Bank Street. The split level property with a frontage along Bank Street would relate well to existing development patterns in the area, and allow retention of the older sections of the distinctive boundary wall along the Castle Terrace boundary.

6.3 Impact on neighbour amenity

6.3.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. A number of comments have been received which raise the issue of the impact of the development on the amenities of nearby dwellings, in particular the impact on the properties on Bank Street and Castle Terrace. This is also an issue which the Town Council has raised, and appears to have been key in their reconsideration of the application and determination to alter their original recommendation from approval to objection.

- 6.3.2 The provision of a building on this site would inevitably have an impact on the amenities of surrounding properties, due to the proximity of the site to nearby dwellings. The question for the committee is whether this impact is unduly detrimental to the amenities of surrounding properties. The impact would consist of 3 main issues, the impact on the neighbouring property at No.5 Bank Street, the impact on the properties opposite the site on Bank Street, and the impact on the properties along Castle Terrace.
- 6.3.3 In terms of the neighbouring property, No.5 Bank Street, the impact on the general amenity of the dwelling would be limited as the proposed building would be set in line with the rear elevation of No.5 and with overlooking of the rear garden area no more than is typical between two adjacent dwellings. However, No.5 does have a side window set high up in the gable end facing the application site which apparently serves a bedroom at this property. The proposed dwelling would have a gate between the side elevation and No.5 but would be located in proximity to this window. The impact is somewhat mitigated by the setback of the proposed dwelling in relation to No.5 as this would take the highest point of the gable end back behind this window, however there would be an impact in loss of light to this window. Comments have also been made regarding loss of views across Low Town, however loss of a view is not a material planning consideration.
- 6.3.4 The properties on the opposite side of Bank Street are likely to be affected by the proposed development the most in terms of loss of amenity due to their position to the north of the development site and so have the most potential to have the proposed dwelling overshadow them. The impact would be less than that which the properties further along Bank Street already experience due to the existing properties, as the proposed dwelling would be set back from the existing building line, and have a staggered L-Shaped footprint creating a staggered ridgeline. Whilst the impact on the ground floor windows would be relatively less as the existing boundary wall already has an impact on these windows, the upper floor south facing windows of these properties would experience an overshadowing impact as a result of the proposed development, mainly in the mornings, as the afternoon and evening sunlight is already restricted by the position of No.5.
- 6.3.5 The properties along Castle Terrace would experience some loss of light in the afternoon, as their front elevations face out to the west, however the impact of this is less than that of the properties along Bank Street due to the relative position of the dwelling being offset to the west, and not directly to the south. These properties are also mainly dual facing, with aspects out to the east with views across the valley and Low Town, and so the impact of a loss of a degree of afternoon light to these dwellings would be comparatively less than that of the properties on Bank Street who's main windows face the application site.
- 6.3.6 The impact of the proposed property on surrounding dwellings is a significant consideration for the committee in the determination of this application and one to be weighed in the balance with all other material planning considerations. The impact on the properties on the north side of Bank Street would be the most significant, with the impacts on the neighbouring dwelling and the properties along Castle Terrace being notable but of a lesser magnitude. It has been suggested a single storey dwelling may be more appropriate on this site, however this would not

relate as well to the Conservation Area street scene or townscape as the current proposal.

6.4 Highway safety and parking provision

6.4.1 The only vehicular access to the proposed dwelling would be through the narrow masonry archway adjacent to The Habit. This access would provide 1 car parking space in addition to allowing access for servicing the property. Although the Council's Highways Officer has advised that intensified vehicle movements through this archway are not desirable, the anticipated low number of movements and the restrictions on vehicle flows in this location are not likely to result in detrimental highway conditions.

6.4.2 The scheme provides 1 off-street parking space for the dwelling and due to the town centre location of the site, it may be considered as a sustainable location with nearby shops and transport links. There is some on-street parking in East Castle Street, beyond the archway access and this is time limited for non-residents and controlled by permit for residents. The Council's Highways Officers have advised that it is unlikely that the occupants of the proposed dwelling would qualify for a residents parking permit as they would not front onto East Castle Street.

6.4.3 This site is close to the Town Centre where there is access to public transport and public car parks. Government Guidance, previously set out in PPG13, stated that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.

6.4.4 Given this guidance and the location of the dwelling near to the town centre, the provision of 1 off street car parking space to serve the dwelling is considered to be an adequate provision of parking for the proposed development.

6.4.5 A number of comments received on the application raise the issue of how the construction of the building, if permitted, along with construction traffic and storage of materials, would impact on the amenities of the nearby properties, and also on the access to the nearby Cliff Railway Station on Castle Terrace. If the application were to be permitted, conditions to control the hours of work, along with a traffic management plan to control the types and times of construction traffic to and from the site could be attached to any decision notice issued in order to mitigate these impacts. As such impacts would be temporary and cease at the end of the construction period, this is not an issue which would warrant refusal of an application if the committee consider the proposal otherwise acceptable.

6.6 Drainage

6.6.1 Some concerns have been raised with regards to how surface water run off from the site would be dealt with and how this would impact nearby dwellings, in particularly the Cliff Railway station to the east. The site is already surfaced and the proposed dwelling would not increase the overall run off of the site and has potential to reduce run off. The Council's land drainage section has commented that the site can be adequately drained but that details of the specifics of this could be controlled by condition. Due to the archaeology concerns on the site, detailed

below, it is difficult to finalise a drainage plan at this stage as any discoveries resulting from archaeological works may have implications on the drainage scheme proposed. As such it is considered appropriate it condition all drainage of the site for later approval if the committee determines to grant permission.

6.7 Archaeology

6.7.1 The proposed development site lies within the historic medieval core of the town of Bridgnorth (PRN 06044) as defined by the Central Marches Historic Towns Survey, within the extent of the outer bailey of Bridgnorth Castle (HER PRN 00371 Scheduled in part) and tenement plots within outer bailey of Bridgnorth Castle, (HER PRN 05630). It also occupies a group of tenement plots to east of East Castle Street (HER PRN 06032), lies adjacent to parts of the medieval street system (HER PRN 05647) and a short distance from the presumed line of the town defences (HER PRN 00374) and the site of the North Gate and Barbican of Bridgnorth Castle (HER PRN 00422).

6.7.2 Previous archaeological work this area has revealed remains thought to relate to the development of the castle or the earlier settlement. The site has marked differences in level in relation to the surrounding streets thus increasing its potential for buried archaeology and is bounded on its eastern extent by a red brick wall with crude stone courses at its lower levels which may relate to earlier settlement, and a section of which is to be cut through as part of the development.

6.7.3 An archaeological evaluation of the site has now been completed and a report submitted in support of this application (SLR Ref: 406.04694.00001). A single L shaped trench was excavated to an initial total length of 7m (north-south) and 6m (east-west) with a 1m extension to the west.

6.7.4 The report concludes that, despite the trial trenching being only a keyhole glimpse into the archaeological potential, the impact of the development is unlikely to impact on significant archaeology. As the evaluation does represent only a keyhole look at the potential archaeology and part of the analysis was based on hand-augered core samples that potential and significance though reduced, does remain.

6.7.5 In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, the Council's Archaeologist recommends that a programme of archaeological work be made a condition of any planning permission for the proposed development.

7.0 CONCLUSION

7.1 Bridgnorth is a settlement where general market housing may be permitted on appropriate sites. The proposed dwellings and associated works would not detract from the character or appearance of the conservation area, and the design is considered to reflect the character and form of the townscape in this location. The development would have an impact on the amenities of nearby dwellings, the properties along the north side of Bank Street in particular, although comparable to the situation of properties further along Bank Street. Given the location of the site in the conservation area, and in a section of town where the urban form is close knit and defined by narrow streets and close facing properties, it is considered that, on balance, the merits of the proposal in terms of reflecting the design of nearby

properties and the urban form of the area outweighs the adverse impact upon the amenities of nearby dwellings. It is therefore recommended the Committee approve this application.

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

National Planning Policies:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS3 The Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Saved Local Plan Policies:
Bridgnorth District Local Plan
S1 Development boundaries
H3 Settlements appropriate for new house building
D6 Access and parking

Supplementary Planning Guidance:
Type and affordability of housing.

RELEVANT PLANNING HISTORY:

13/03529/FUL Erection of 3 no. dwellings Withdrawn 23rd October 2013

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

Design and Access Statement
Archaeological Report

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member(s)

Cllr John Hurst-Knight
Cllr Les Winwood

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the conservation area.

4. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings.

Reason: To safeguard the architectural and historic interest and character of the conservation area.

5. Prior to the occupation of any buildings on site details, including the extent of any demolition, of all walls and other boundary treatments shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

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

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

7. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Such a programme must be prepared and carried out under the supervision and with the agreement of an archaeologist approved in writing by the Local Planning Authority.

Reason: The site is known to be in an area of archaeological importance.

8. 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. Number and type and visit time of vehicles to visit the site per day in connection with the construction works
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development

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

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

9. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

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

10. Demolition or construction works shall not take place outside of the following times:
- Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Not at any time on Sundays, Bank or Public Holidays.

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

Informatives

1. Policies material to the determination of this application:
National Planning Policies:
NPPF
Shropshire Core Strategy:
CS3, CS6, CS17, CS18
Saved Local Plan Policies:
Bridgnorth District Local Plan - S1, H3, D6
Supplementary Planning Guidance:
Type and affordability of housing.
2. 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.
3. 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
4. Informative Consent is required from the service provider to connect into the foul main sewer.
5. 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 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.

6. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
7. 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.
8. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed

street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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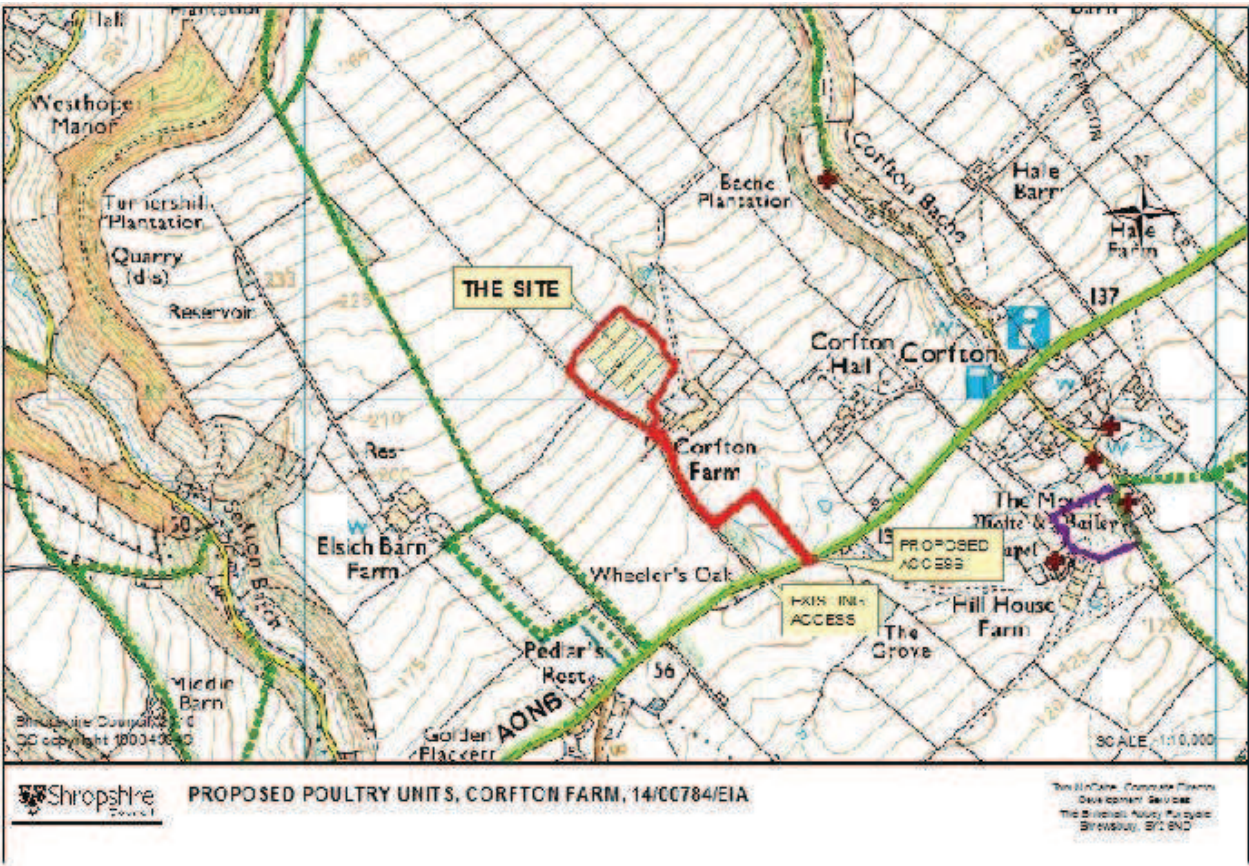


Committee and date
 South Planning Committee
 24 June 2014

Item
12
 Public

Development Management Report

Application Number: 14/00784/EIA	Parish: Much Wenlock
Proposal: Construction of four poultry sheds and feed bins, ancillary works, amendments to existing vehicular access, erection of biomass building and associated landscaping	
Site Address: Corfton Farm, Corfton, Craven Arms, Shropshire, SY7 9DD	
Applicant: Corfton Farms Ltd	
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is to build a four-shed poultry unit on land adjacent to the existing farmstead at Corfton Farm, near Craven Arms. The proposed poultry sheds would accommodate approximately 185,000 birds (combined). The chickens would be grown in 36-day crop cycles per year with a around a 10 day clean out and turn around period per crop.
- 1.2 The sheds would measure 109.73m by 24.38m and The heights of each shed would measure 2.6 metres at the eaves, and 6 metres to the ridge vents. In addition to the four poultry sheds there will be 5 feed bins located in a group between the buildings at the yard end. They will have a maximum height of 6.6 metres. It is also proposed that 4 x 199kWh biomass boilers be constructed in order to reduce the carbon footprint of the proposed development. The feed bins would rise up slightly higher between the buildings. The biomass boiler housing would be located to the south-east of the proposed poultry sheds.
- 1.3 The biomass boilers would be housed in a building to the south east of the poultry sheds. The housing will be split into two sections: one section storing the biomass and biomass hoppers, and the other side housing biomass boilers and associated flues. The buildings would be located on two level platforms excavated into the hillside above the existing farm buildings. The northern 2 buildings would be approximately 3m above the level of the southern two. The levelling of the sites will result in three of the proposed sheds being set well below the existing ground level.
- 1.4 The proposed poultry sheds are to be of standard construction, comprising portal frames with profile sheet cladding finished in a BS12B29 Juniper Green colour to facilitate integration with existing agricultural structures. The appearance of the sheds will represent an extension of the existing agricultural development and accordingly appropriate in the rural landscape. The proposed biomass boiler housing will also be finished in matching external facing materials to the poultry sheds and coloured a BS12B29 Juniper Green.
- 1.5 Excavated earth from levelling the site would be used to construct an earth bund along the north western and south western boundaries, screening the site from identified viewpoints. A hedgerow crossing the site is to be removed, the impact of which will be offset by additional native species hedgerow planting along the earth bund, which will further aid integration of the site with the surrounding landscape. The existing hedgerow along the north eastern boundary is to be retained. As such, the site will be fully enclosed.
- 1.6 Access to the site is currently gained through the farm yard which is served by a private drive adjoining the B4368 approximately 250 metres to the south east of the site. It is proposed that part of the existing access track be closed off, and a new access installed in order to improve visibility onto the highway. A passing point will

be installed where the new access track meets the existing, as shown on the accompany plans. In accordance with the relevant guidance, visibility splays will be improved. The proposals involve replacing the existing junction on the B4368 Corvedale Road (an accident blackspot) with a new access 50m east on a stretch with improved visibility & alignment. There would be 7.5 crop cycles per year and approximately 4 days of peak activity per crop cycle, including 2 days with 17 movements and 2 with 20 movements,

- 1.7 The proposed poultry farm would require an environmental permit from the Environment Agency to operate. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique (BAT) enabling improvements in environmental performance.
- 1.8 The proposed development would accommodate in excess of 85,000 broiler chickens so falls within schedule 1 of the Environmental Impact Assessment Regulations. Accordingly, the application is accompanied by an EIA.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The site (3.42 hectares) currently comprises an area of grassland to the immediate northwest of the existing farm buildings at Corfton Farm approximately 6 kilometres to the north-east of Craven Arms. Access is gained off the B4368 Craven Arms to Bridgnorth road via a private drive to the immediate north of the existing farm buildings. The site is located just within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The existing structures comprise a range of mostly modern livestock and storage buildings and silos, with an additional farmhouse and farm cottage making up the main farmstead.
- 2.2 The site is located away from rural settlements to the south west and is screened by the natural topography of the intervening land and the existing farmstead. The site is currently part of a large farming enterprise of approximately 1200 acres. The farm is mainly arable used for potatoes, with some beef cattle. The nature of the cropping will dictate the use of the existing access. This will be higher when undertaking field work and planting and when harvesting.
- 2.3 The applicant owns Corfton Farm which extends to around 1200 acres (485 hectares). Of this total 350 acres is owned and the remainder is rented under tenancy agreements for growing potatoes. The main farming enterprises are arable cropping including potatoes and bull beef.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 Diddlebury Parish Council: The Parish Council does not object to this application, but request that maximum consideration is given to reducing any adverse environmental and social impact upon the people of the parish.

- 4.2 Natural England: No objection subject to the following comments:
- i. Sites of Special Scientific Interest (SSSI): No objection – no conditions requested. This application is in close proximity to Princes Rough SSSI and Wolverton Wood and Alcaston Coppice SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
 - ii. AONB: No Natural England Comment – Advise consultation with AONB partnership. Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Shropshire Hills AONB. We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.
 - iii. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies, which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society. A more comprehensive list of local groups can be found at Wildlife and Countryside link.
 - iv. Protected Species: We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.
 - v. Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of

roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

4.3i. Environment Agency (07/05/14): Initial holding objection. We are currently still reviewing the Odour Impact Assessment as part of our consideration of the Environmental Permit (EP) and would recommend you defer your decision making until the results of this review are available (which is likely to be within the next few weeks). In the absence of this we are unable to fully comment on the potential odour impacts but would offer the following comments on other areas within our remit at this time. For completeness, we provided your Council with an Environmental Impact Assessment (EIA) Scoping Opinion on 11 November 2013 (our letter reference SV/2013/107373/01-L01) for four poultry units, housing a total of 185,000 birds (broilers).

ii. Environmental Permitting Regulations: Intensive pig and poultry sites are regulated by us under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. Farms that exceed capacity thresholds >40,000 birds require an EP to operate. We can confirm that the applicant has submitted an application for an EP which is currently being decided by us (twin-tracked); application reference EA/EPR/SP3833EM/A001. Under the EPR the EP and any future variations, covers the following key areas of potential harm:

- Management, including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- Operations, including permitted activities, operating techniques, closure and decommissioning;
- Emissions to water, air and land - including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring;
- Information – including records, reporting and notifications;
- Poultry production, including the use of poultry feed, housing design and operation, slurry and manure storage and spreading.

All of the above are permitted within the requirements of Best Available Techniques.

iii. Paragraph 122 of the National Planning Policy Framework (NPPF) states "...local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of the processes or emissions themselves where these are subject to approval under pollution control regimes." To clarify, we would not seek to 'control' the proposals through planning, those matters that may be controlled through the permit. But, you should seek adequate 'assessment' of material planning issues (odour, noise, etc.) when considering the impact of the use at the proposed location. This is to ensure, as the NPPF states that the location/land use is appropriate and acceptable. To assist the planning decision, the "effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or

proposed development to adverse effects from pollution, should be taken into account". The EIA should of course assess the potential likely impacts and identify mitigation measures to avoid (our preference), remedy or reduce such impacts.

- iv. Ammonia Emissions: The emissions from poultry can potentially impact on nearby nature conservation sites, directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. We completed an initial ammonia screening assessment on 14 February 2014 to identify whether the applicant would be required to submit a detailed modelling assessment. The first stage of the screening assessment seeks to identify if there are any European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites) within 10km, Sites of Special Scientific Interest (SSSI) with 5km and other conservation sites within 2km. Based on the information submitted as part of the screening assessment (including a total of 200,000 bird (broiler) places), it has been concluded that detailed ammonia modelling will not be required. We would therefore not require an appropriate assessment as part of our Habitats Regulations Assessment (HRA). In the context of both of our organisations role as 'competent authority' under the terms of the Conservation of Habitats and Species Regulations (2010), we trust that the above gives you sufficient reassurances in coming to a decision under your role as 'competent authority' in the planning process.

- v. Odour: Our guidance (Intensive farming 'How to comply' versions 1 and 2, Odour management at intensive livestock installations) states that odour must be considered where:

- there are 'sensitive receptors' located within 400m of the installation; and/or
- the installation (if existing) has a history of substantiated odour related complaints within the last three years.

Our 'regulatory interim position statement' defines a sensitive receptor for intensive poultry. This excludes the operator's house (including family), any property in the applicants ownership (tenants); and or an employee's house (directly associated agricultural workers dwelling) as a sensitive receptor. However, whilst we would not consider these receptors as part of our review of the Permit and similarly would not require assessment of, or comment on them, as part of our review of the planning application; you may wish to require assessment of these receptors as part of your planning application/EIA decision making process. Section 1.2 of the ES does confirm that Highfields is an agricultural dwelling resided in by a farm worker and Corfton Farm is occupied by the Povall Family. It is unclear within the ES whether Corfton Farm Cottage is a sensitive receptor, or excluded given the above. Upon confirmation that these three properties are not considered sensitive receptors then there should be acceptance from the applicant there may be significant odour impacts at these locations, but the likelihood of complaints is considered low. However, this has the potential to create issues in the future should the properties change ownership to third parties for example. As part of our regulatory regime, this could mean that additional odour mitigation would be required (within an Odour Management Plan) or as a worst case scenario, the revocation of the EP.

- vi. Notwithstanding the above, the applicant has included the Odour Impact Assessment (OIA) Report (dated February 2014, Ref: 402-04826-00001). This covers the three 'sensitive receptors' within 400m of the installation site boundary (including Corfton View, Corfton Hall and Coach House at approximately 350m distant based on the OIA). On the basis that the applicant has twin-tracked the EP application with the planning application, we are currently reviewing the odour assessment as part of our

consideration of the EP and we would recommend you defer your decision making until the results of this review are available (which is likely to be within the next few weeks). In the absence of this we are unable to fully comment on the potential odour impacts at this time.

- vii. Noise: Chapter 12 of the ES identifies the issue of noise. Our permit guidance (Intensive farming 'How to comply' version 2) advises that noise should be considered where there are sensitive receptors (as similar to the above) located within 400m of the proposed installation. The ES is informed by a Noise Assessment (Ref: 402.04826.00001, dated February 2014). We note that background noise data is based on a relatively short period of monitoring, which may not adequately characterise noise in the local area. We also suggest, based on experience, that the background noise levels appear low. We appreciate that the majority of the noise levels are considered below the threshold requirements of BS4142 and therefore does not strictly apply. Historically this threshold was introduced since previous noise measuring devices were not deemed accurate enough at such low levels and to protect industry from overly onerous noise limits. However, the BS4142 methodology could still be viewed as being a reasonable approach to determine the likelihood of complaints. In practice if noise levels significantly exceed the background levels then complaints are likely and further noise controls should be applied. For information: the permit will only control sources of noise from within the permit 'installation boundary'. This would not normally include lorry movements or operational hours. Your Public Protection team should also be consulted in relation to statutory nuisance, and so that all the relevant key issues are 'joined up', to ensure the pollution control regimes are complimentary etc.
- viii. Biomass Boilers: Under the Environmental Permitting (England and Wales) Regulations (EPR) 2010, we regulate Part A (1) activities and installations as defined by Schedule 1. The relevant part of Schedule 1 is: Section 1.1 Combustion Activities: burning any fuel in an appliance with a rated thermal input of 50MW or more and burning any fuel manufactured from, or comprising, waste in an appliance with a rated thermal input of 3MW or more but less than 50 MW. An Environmental Permit is required for such activities. For proposals where the thermal input is less than 3MW for the burning of waste wood then this aspect would normally (providing certain requirements are met) fall below the threshold for burning waste, under EPR. However, in this instance, due to the EP requirements for the proposed poultry units the proposed biomass boilers would be regulated under the future EP as a source of emission. Based on the information provided we note that 4no. 199kW biomass boilers are proposed. Based on the capacity of the biomass boilers and the proximity of the site to designated sites, we will not require a quantitative assessment of air emissions in this instance. In the context of both of our organisations role as 'competent authority' under the terms of the Conservation of Habitats and Species Regulations (2010), we trust that the above gives you sufficient reassurances in coming to a decision under your role as 'competent authority' in the planning process.
- ix. Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific

crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ)

Action Programme where applicable: The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that Corfton Farm (as shown on the site plan submitted) is located within a NVZ.

- x. Dust / Flies: Whilst intensive poultry farms produce dust, past experience has shown that the majority of it is deposited on the farm itself. Therefore provided that the farm is operated to the BAT then we would not anticipate it causing a nuisance to residents living nearby. We note that the ES refers to the use of dust baffles as an appropriate mitigation measure. Based on past experience, flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will be undertaken by us within the EP variation application, including any necessary controls (mitigation).
- xi. Water Management: The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the River Corve – confluence of unnamed tributary to the confluence of the Seifton Brook (Waterbody Reference GB109054044050), which is classified as 'poor' waterbody. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027. Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted. The 'Site Layout' Plan submitted (Drawing ref. CF-DL-100, dated February 2014) illustrates that clean surface water, from roofs and yard areas will drain to an attenuation pond (discussed further below). The concrete apron fronting the units will drain via a diverter valve to a dirty water tank, including water derived from clean out. Shed roofs that have roof ventilation extraction fans present, may result in the build-up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality.
- xii. Flood Risk: Based on our 'indicative' Flood Map for Planning (Rivers and Sea) the site falls within Flood Zone 1 ('low risk' from fluvial flooding). Given the low risk of fluvial flooding to the site, and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water (quantity) drainage design. On the basis that the application is EIA, we have the following strategic comments to offer, in consultation with the LLFA. The increase in hard standing area could result in an increase in surface water run-off. The 'Site Layout' Plan submitted (Drawing ref. CF-DL-100, dated February 2014) illustrates that surface water will be discharged to an attenuation pond. The surface water drainage scheme has been based on a 1 in 100 year event plus 20% for climate change and discharge will remain at a Greenfield runoff rate of 17.2l/s, the Flood Risk and Drainage Assessment refers (dated February 2014). We note the FRA makes reference to a low probability of

groundwater flooding; we would leave the detail of this for consideration by the LLFA. For further information please refer to our LPA Process Note 'Operational Development (+1ha) within Flood Zone 1' (enclosed).

- xiii. Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.
 - xiv. Summary: At this time we are unable to comment on whether the EIA is considered robust at this time to inform the prediction of likely impacts and possible mitigation measures. Once we have reviewed the odour impact assessment internally we will be able to comment further on the proposed development. In the meantime, if your Council is minded to approve the application we would request that you inform us of this with your reasons why so that we can make further comments.
- 4.4i. Environment Agency (07/05/14): Objection withdrawn. On the basis that the Applicant has twin-tracked the Environmental Permit (EP) application with the planning application, our Air Quality Modelling and Assessment Unit (AQMAU) have reviewed the Odour Impact Assessment (OIA) Report submitted (dated February 2014, Ref: 402-04826-00001) as part of our consideration of the EP. Based on the findings of our review we do not object to the proposed development and it is likely that we would be in a position to grant an EP, without prejudice, based on the information provided. We now note Section 10.2 of the Environmental Statement (ES) confirms that the three properties located on Corfton Farm (including Highfields, Corfton Farm and Corfton Farm Cottage) are within the ownership of the applicant (operator) and would therefore be excluded from being considered as a sensitive receptor (as defined within our previous response).
- ii. As previously outlined, whilst we would not consider these three receptors as part of our review of the Permit and similarly would not require assessment of, or comment on them, as part of our review of the planning application; you may wish to require assessment of these receptors as part of your planning application/EIA decision making process. There should be acceptance from the applicant there may be significant odour impacts at these locations, but the likelihood of complaints is considered low. However, this has the potential to create issues in the future should the properties change ownership to a third party for example. As part of our regulatory regime, this could mean that additional odour mitigation would be required (within an Odour Management Plan (OMP)) or as a worst case scenario, the revocation of the EP. Notwithstanding the above, the applicant has included an OIA which has assessed 27no. 'sensitive receptors' surrounding the site, including three within 400m of the installation site boundary (including Corfton View, Corfton Hall and Coach House at approximately 350m distant based on the OIA). Modelled emission rates for the crop cycle and clean out have been used to inform the OIA.

- iii. The Report has assessed the 98th percentile of hourly average odour concentrations at sensitive receptors against a moderately offensive odour benchmark value of 3OUE/m³, in accordance with our published regulatory guidance on odour (H4: Odour management). We note the highest impacts were predicted at 3no. receptors DR18, DR19 and DR20, as illustrated in the Receptor Locations Plan (AQ2) (dated January 2014); with an average odour concentration of approximately 3.1 OUE/m³. The Report concludes “the predicted impact from the facility is less than 3 OUE/m³ at the majority of modelled receptor locations. Occasional odour will be perceived at a number of these locations however this will not be at a level which would be problematic.” We note that the Report goes on to say “If additional measures are taken to mitigate this odour, particularly during cleaning and removal of litter, it is possible that this would be reduced to a level below the impact criteria applied.” We note that the Report has not shown evidence to justify this statement.
- iv. As part of our review of the EP we have also carried out check modelling (model reruns). Based on the worst case time varying emissions, using maximum emission factors from Hayes et al for 185,000 birds, our checks indicate impacts at receptors could be potentially lower than those predicted in the OIA. Taking modelling uncertainties into account, whilst we do not completely agree with the absolute numerical predictions used to inform the OIA in this instance, we do agree with the Report’s conclusion that predicted impacts at the majority of receptors is likely to be less than 3OUE/m³ based on 98th percentile of hourly average odour concentrations (minimum guideline standard). As you are aware, whilst relevant, the ‘H4’ guidance is more applicable for activities which emit ‘consistent’ odour emissions around a given level. By their very nature poultry units odour emissions fluctuate according to the stage within the flock cycle. In this case the impact of short period intense odour may not be illustrated using our ‘H4’ guidance (As discussed within Section 14.2 of the ES). Increasing the modelling to 99.5 or 99.8th percentile could incorporate the shorter periods of intense odour which may otherwise be screened out using the standard approach.
- v. Any further modelling would require different thresholds for acceptability. It should be noted that the EP would not normally require assessment beyond the 98th percentile of emissions, unless there is a valid reason to do so. However, the submission of the above would of course help ensure a robust EIA and provide greater reassurances to your council and any third parties. We would advise that the EIA includes appropriate control measures which could be used to reduce the likelihood of odour annoyance during the operations. These could be secured in a detailed OMP. It should be noted the operator will be required to have an OMP, controlled as part of the EP, to reduce odour emissions from the site. However, this still may not necessarily prevent all odours at levels likely to cause annoyance; and the OMP requirement is often a reactive measure where substantiated complaints are encountered. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level.
- 4.5i. AONB Partnership: Objection. It is apparent that the tests required in national policy protecting the AONB have not been taken account of at all, and we consider the Landscape and Visual Impact Assessment is flawed, seeking at every opportunity to downplay the AONB and the impact of the proposed development. It is not the case

that being near the boundary of the AONB in any way weakens the protection of the designation, as implied in the LVIA. Neither does the existence of other modern agricultural buildings in this part of the AONB mean that the change from this development would be not significant. Such an argument would allow progressive destruction of the AONB landscape where one poor development justifies the next, and this bears no relation to national and local policy on AONBs. The reality is in fact quite the contrary, in that each development of large agricultural buildings contributes to a creeping industrialisation of the landscape, which in fact makes this part of the AONB highly sensitive to change resulting from further large buildings. The Stretton Valley, Wenlock Edge and Dales section of the AONB Management Plan 2014-19 (as recently approved by Shropshire Council) highlights this very issue: “Development pressures are the highest here of any part of the AONB... More intensive methods, alternative crops and large agricultural buildings therefore have particular potential to cause harm to the landscape quality of the area.” The LVIA should classify the Landscape Value as ‘high’ on account of the AONB designation, and the greater than doubling of the built footprint of this farm can only be described as a ‘substantial’ or at least a ‘moderate’ magnitude of change. The impact overall is therefore without doubt ‘significant’, and the mitigation measures proposed, while lessening the impact, do not make it acceptable.

- ii. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location-specific policies protecting AONBs. Indeed the very first policy paragraph within NPPF, Para 14 on the ‘golden thread’ of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where “specific policies in this Framework indicate development should be restricted.” The specific policy in Para 115 of the Framework states: 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. The buildings alone in this application would cover greater than a hectare and the development site covers approximately twice this area. This is therefore unequivocally a ‘major development’ under the definition of the Town and Country Planning (Development Management Procedure) (England) Order 2010, and so para 116 of NPPF also applies: 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 (emphasis added)

This national policy therefore requires that the application must be refused unless exceptional circumstances and public interest can be proven, which they have not been. The Planning Statement supporting the application is fundamentally flawed by

not acknowledging the applicability of NPPF para 116 and addressing the tests within it.

- iii. Shropshire Council Core Strategy and SAMDev policies also indicate the great weight which should be applied to the AONB designation and indicate that this application should be refused: Explanation to Policy CS5 Countryside and Green Belt, para 4.72 (extract) “whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy, in conjunction with Policy CS6 and more detailed policies in the SAMDev DPD, recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.”

Policy MD2 Sustainable Design, Explanation (extract) For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance.

Policy MD7 – General Management of Development in the Countryside (explanation, para 4.66). The changing needs and effects of agricultural and other related enterprises in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings. General sustainable design criteria and development management considerations are as relevant to this type of development as other proposals in the countryside and the Plan seeks to balance the needs of the countryside as a working environment with its role as a place to live and enjoy. The policy defines the primary considerations that will be taken into account in considering agricultural development proposals which require planning consent. Additional criteria set out in other relevant policy such as MD2 Sustainable Design and MD12 Natural Environment which, for example, highlights special requirements in the Shropshire Hills AONB, which would also need to be taken into account in considering applications. It should be noted that where appropriate, planning conditions will be attached to a permission to control the quality of the development and to ensure the scheme incorporates appropriate agreed mitigation measures such as coloured external cladding, landscaping and waste management; (emphasis added) Policy MD12 Natural Environment (Explanation) 4.113 Policy MD12 sets out in detail the level of protection offered to Shropshire’s natural assets. Natural assets include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity; 4.114 Such assets provide ecosystem services including; flood relief; soil retention; climate change mitigation and adaptation; carbon sequestration; interception of airborne pollutants; water filtration; amenity value; health and well-being benefits and opportunities for tourism and recreational activities. These services are essential to a thriving economy; 4.115 Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Great weight will also

be given to conserving and enhancing the natural beauty of the Shropshire Hills AONB, having regard to the AONB Management Plan. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Major developments in Areas of Outstanding Natural Beauty; Ancient woodland, other irreplaceable habitats and aged or veteran trees; Pollution – including noise, water, air and light pollution Further details are given in the Natural Environment SPD; (emphasis added)

- iv. The following policies of the Shropshire Hills AONB Management Plan 2014-19 also indicate that this application be refused:

Valuing the AONB in Planning and Decisions - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.

Encouraging a Sustainable Land Management Economy - Agricultural development. Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.

Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

We note further with disappointment that the Council's scoping opinion for the EIA does not mention the need to consider the AONB designation within 'description of the aspects of the environment likely to be affected by the development', but only in connection with our comments as a consultee. We would observe that it is the planning authority that holds the statutory obligation to have regard to the purposes of the AONB and this should not be dependent on the AONB Partnership's comments as only a non-statutory consultee. The undervaluing of the AONB in this scoping opinion is not at all consistent with national policy in NPPF and the Council's own policies as quoted above, and unfortunately paves the way for the developers' own documentation also systematically to underplay the impact of the development on the AONB.

- 4.6 English Heritage: The development is in the setting of the Mount motte and bailey castle (UID 1012856) and would introduce an industrial element into the setting. The advice of the Local Planning Authority's archaeological adviser should be sought and complied with in regard to non-designated archaeological remains. The Authority's Conservation Officer should agree all materials, finishes and landscaping, with an aim of reducing the impact of the scale and massing of the development by use of visually recessive materials and landscape screening. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

- 4.7 SC Trees: No objection. There are no tree preservation orders or conservation area tree related constraints at the site. The proposals indicate the removal of approximately 260m of existing hedgerow, this to be compensated for by establishing new native hedgerow and bund / plantation around the site boundaries. At this stage the detail is sufficient but any full application would require details of planting mixtures, planting density, after care and measures for replacement of losses. The native

species hedgerow would benefit from a mix that includes a minimum of seven native woody species in every 30m length.

- 4.8i SC Archaeology: No objection. The development proposal involves land to the north-west and south-east of Corfton Farm on which or immediately adjacent to, there are a number of non-designated heritage assets including Corfton Hall Park (HER PRN 21724), Enclosure c250m south of Corfton Farm (HER PRN 04894), Enclosure c340m south of Corfton Farm (HER PRN 04186) and Greensforge (Staffs) to Central Wales Roman Road (HER PRN 04076). Additionally there are a number of designated and non-designated heritage assets in the wider setting of the proposed development including the scheduled monument of The Mount motte and bailey castle, 120m north-east of Hill House Farm, Corfton (National Ref: 1012856). The National Planning Policy Framework (NPPF) Section 128 states: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. A recommendation for a Heritage Assessment, to include an Archaeological Desk Based Assessment and walkover survey, of the proposed development was given to the request for a screening opinion 13/04153/SCO. In support of this application a Heritage Impact Assessment (Mercian Heritage Series 693 January 2014) has been submitted under Environmental Impact Assessment Appendix 6 Historical Impact Assessment. The results from this are summarised in Chapter 8 of the Environmental Statement also submitted in support of the application.
- ii. In terms of setting and the impact on the significance of designated and non-designated heritage assets the assessment concludes that the proposed development will have no or minimal impact on the six listed buildings and other non-listed buildings within 1.25km of the development and minimal impact on the scheduled monument of Corfton Castle. It also concludes that there will be little significant impact on the setting or character of the AONB. Shropshire Councils conservation officer, English Heritage and the ANOB may wish to offer comment on these conclusions. In Section 6.5 the report assesses the impact of the development on Archaeology noting that there are very few significant entries in the Shropshire HER for the Corfton assessment area (defined as over 1km from the study area i.e. the development boundary Section 8.3 p52 of the Environmental Statement). Three sites are commented on, a Neolithic polished stone axe (HER PRN 02733), a rectilinear crop-mark (HER PRN 04894) and residual ridge and furrow (HER PRN 20934). A second crop-mark site Enclosure c340m south of Corfton Farm (HER PRN 04186) located within 40m of crop-mark 04894 is not mentioned in the report. An examination of the associated aerial photography (held at Shropshire Council HER) for the two enclosures has shown that 04894 extends into the field in which the proposed new access track will be located and that the track will impinge on the enclosure or be very close to it. Additionally the aerial photography seems to indicate the possible presence of other features that may be associated with the known crop-mark sites. The Heritage Assessment recommends that an appropriate archaeological watching brief (all initial soil stripping to be undertaken under archaeological supervision) should be undertaken during the necessary ground works. This would be my recommendation for the ground works associated with ground reduction in respect of the poultry sheds and ancillary works, including the attenuation pond. However, in respect of the proposed new access track, the degree of impact on and the extent of the known archaeological heritage assets remains undetermined. Consideration of relocating the access track or adopting a no-

dig construction approach may obviate the need for archaeological mitigation but this would need to be assessed in light of any proposals and the possibility of unknown archaeological remains.

- iii. In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 128, I recommend that a geophysical survey of the proposed new access track site be undertaken prior to the planning application being determined. The geophysical survey may conclude that further evaluation may be necessary to assess the extent, survival and significance of any archaeological remains. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation.
- 4.9i. SC Highways: Verbal comments - no objection. The submitted Highways Statement makes reference to the relocation of the existing access to the site; Shropshire Council as Highway Authority would support the application to relocate the existing access in the interest of Highway safety and reasons outlined within the Highways Statement. The submitted Site Access Plan – Drawing No.CF-SP-101 indicates that the visibility splays at the proposed access to the site will be 2.4 metres by 175 metres (west) and 2.4 metres by 215 metres (east). These dimensions exceed the minimum visibility requires as outlined within Manual for Streets 2, however in order to maximise highway safety at this location It is recommended that they should be provided and kept clear in perpetuity. It is noted that in order to provide the above mentioned visibility splay sections of the embankment will need to be excavated. Details of the removal of any embankment/shrubbery should be submitted to the local planning authority prior to the commencement of operations. In the interest of highway safety prior to commencement of any construction works, the proposed access and associated visibility splays outlined on Drawing No. CF-SP-101. should be constructed base course level. The closure of the existing access to Corfton Farm may create driver confusion, therefore it is recommended that vehicle movements within the vicinity of the new access should be monitored and a suitable traffic sign provided notifying driver that the road layout ahead has changed. Details of any signing can be agreed with the applicant prior to the construction of the new access.
- ii. Impact on Highway Network: The submitted Highways Statement makes reference to the existing road network within the vicinity of the site. The proposed access is via an unadopted track with passing places, with direct access on to B4368, which is a Class II road. As per the submitted Highway statement suggests it is considered that the B4368 already accommodates a number of vehicle movements and that the increase in vehicle movements generated by the proposed development will not have a significant impact on the highway network. It is considered that there are no Highway grounds for refusing this application subject to conditions forming part of the permission (included in Appendix 1).
- 4.10 S.C.Ecology: No comments received.
- 4.11 S.C.Drainage: No objection. The drainage design for the poultry units is acceptable in principle. The following drainage details, plan and calculations could be conditioned if planning permission is to be granted:
The access road comprises of a large impermeable area sloping towards the B4368, draining to two gullies which are unlikely to catch all the run-off. Confirmation is

required that the design has fulfilled the requirements of Shropshire Council's 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 any area outside of the development site.

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 surface water drainage system is not being used.

Public representations:

4.12 The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations have been received from 2 local residents in response to this publicity:

i. Linton: Objects on the grounds that it is an inappropriate development within the Shropshire Hills AONB. Paras 115 and 116 of the National Planning Policy Framework give guidance on development within protected landscapes such as National Parks and AONBs:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

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.

Shropshire Council Core Strategy CS5 clarifies these exceptional circumstances by saying:- 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 agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. This proposal for a poultry unit fails to meet these criteria on two counts. Firstly all the raw materials for the operation conducted within the unit are supplied by road and similarly the final product and waste material removed by road. The proposal is therefore not for an agricultural development that requires the surrounding fields and adjacent farm complex for its successful operation but for a stand-alone industrial site which has no relevance to its surroundings.

Secondly the South Shropshire Hills were designated an AONB in recognition of its appealing landscape with wide vistas of varied uplands and to conserve and enhance the natural beauty of that landscape. Corfton Farm sits half way up the hills forming the north west boundary of Corvedale and is clearly visible from the other side of the dale. It is proposed that the unit be screened by planting around its perimeter so that it is hidden from nearby vantage points. However, no matter how much screening is provided, it will not be possible to hide the four long buildings, terraced into the hillside above the farm, which, when viewed across the valley, will appear incongruous in a random patchwork of fields, woods and scattered farm buildings. Such a view would not be in keeping with the recognised beauty of the area. Hence I contend that the proposal is an inappropriate development in the AONB as it is not a true agricultural enterprise dependant upon its locality and will have an adverse effect upon the environment and landscape.

- ii. Holder: We are residents living in Mill Lane, Diddlebury and are very concerned that the proposed gigantic chicken plant should be allowed to go ahead in the Corvedale. The prevailing wind from the West will bring all the noxious smell towards the villages of Corfton and Diddlebury where all the houses are situated in the area. How can the resulting chicken manure be disposed of without taking it through a residential area where a certain amount will land on the road and the smell will be even worse. We believe the plan is to transport this manure to another farm a few miles away. Therefore, we strongly oppose this application.
- iii. Kirk: Objection. The raising of poultry meat in the conditions proposed is a =n abhorrent practice which could not be condoned. A local authority which promotes environmentally friendly enterprises in rural area should encourage the production of 'slow' organic produce which is locally produced and non-intensively farmed. The Shropshire Core Strategy advises that Shropshire will have a diversified economy capitalising on the county's unique landscape and heritage assets .. without damaging their value for residents and visitors. We believe that the proposals would damage the value of Corvedale's landscape and heritage assets, would not enhance the natural and historic environment of the AONB and would be a source of disquiet amongst those opposed to factory farming... It is unclear what kind of employment benefits the proposals would provide, but we believe it will not be appropriate to the role, size and function of the local settlement, or indeed Corvedale as a whole, so no community benefit will be achieved. The proposals is totally inappropriate in its scale and nature with the character and quality of the location. It should be unthinkable that an industrial sized enterprise using intensive production methods should be sited in a sparsely populated section of an AONB (Core Strategy Strategic Objective 3). Despite being presented as a farm diversification scheme the submission fails to demonstrate any need for the proposed development and it is not in character with its present agricultural surroundings... It is clearly isolated, sporadic, out of scale and will blatantly erode the character of the countryside within the AONB. (Core Strategy Policy CS5). Charts are enclosed from MJ Sharp, assessing the environmental impact of poultry farms (Supplementary guidance for IPPC applications 2003). This identifies that intensive poultry farming is likely to have negative effects on the environment. There is absolutely no guarantee that the proposals will not have some negative effects on the environment.. we do not feel that this is a risk worth taking.
- iv. Jones: We feel that the proposal to build four chicken houses at Corfton Farm is totally inappropriate. The scale and nature of the proposal would be more appropriate to an industrial estate and not in the countryside. We are seriously concerned about the impact will have on the countryside. Our main concern is smell and we are extremely concerned about this, especially towards the end of the chickens' growth cycle and when the chicken houses are cleaned out. In this respect we note that there have been problems with similar units in North Shropshire. We are also concerned about the smell generated when the manure is spread on the land, a subject which has been somewhat glossed over in the EIA. We are also concerned about the extra traffic which will be generated. It is noted that the EIA at p61 states that the B4368 'has satisfactory width, good forward visibility and passing areas'. Any report which includes such a statement should not be taken seriously. We are not qualified to comment on the technical aspects of the report but are not at all reassured that the noise impact assessment concedes that extra noise generated is 'unlikely to be marginal?' (p96 EIA) in houses to the south east.(why not simply say it will be unacceptable'?)

5.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology);
- Implications with respect to AONB.

6.0 OFFICER APPRAISAL

Policy context:

6.1 National Policy: The National Planning Policy Framework (“NPPF”) advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.

6.2 The applicant states that the proposed development performs an economic role because it involves investment and economic diversification of an existing business which will provide / sustain rural jobs for local people. It is stated that the development performs a social role because the local jobs and investment would in turn promote a strong vibrant community. It is also stated that the development performs an environmental role because it is an environmentally efficient system of farming with associated landscaping to protect the local natural and built environment and biodiversity benefits and will not give rise to any significant environmental or heritage impacts (Section 7). Specifically, the applicant states that there would be net gains in biodiversity from the landscaping proposals (para 118) and that the conclusions of the Environmental Statement are that there would be no significant adverse effects on health and quality of life when available mitigation measures are taken into account.

6.3 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for “economic diversification”. Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be “on appropriate sites which maintain and enhance countryside vitality and character” and have “no unacceptable adverse environmental impact”. The policy recognises that “the countryside is a ‘living-working’ environment which requires support to maintain or enhance sustainability”. Paragraph 4.74 states that: “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations.”

6.4 The applicant states that the proposals conform with CS1 and CS5 because:

- Its primary purpose is economic diversification;

- It will assist in providing balance to the rural community by encouraging local people to live and work in the community;
- It assists in achieving the aim of local food production and also food traceability and security, reducing the UK's reliance on imported food sources including poultry;
- It will provide local employment and economic benefits;
- It is stated that the Environmental Impact Assessment demonstrates that the proposals have no unacceptable impact on the environment;
- It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.

6.5 Policy CS6 advocates high standards of design and sustainability. The proposal incorporates sustainable design and operational considerations including:

- Sustainable drainage, water efficiency, renewable energy generation systems, and energy efficiency (appropriate insulation);
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant levels of traffic (there would typically be seven annual peaks in activity lasting 4 days each with quiet periods between and a new improved access is proposed);
- It is stated that the proposal does not adversely affect the natural and built environment and is appropriate in scale, density, pattern and design taking into account the local context and character (a full visual impact appraisal and supplementary information has been submitted in support of this conclusion).

6.7 Policy CS13 states that "Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire's key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production". The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire's key business sectors.

6.8 It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. To be sustainable however and therefore to benefit from the presumption in favour set out in the NPPF the proposals must also demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources). The proposals must also demonstrate acceptability in relation to the exceptional circumstance criteria for major development within the AONB. These issues are considered in succeeding sections:

Justification for the proposals and choice of site

6.9 The applicant has decided to move into broiler production to ensure that the farming business remains viable for the younger generation. The UK poultry production industry continues to grow to meet the demand for home grown produce and this committee

has considered a number of such schemes in recent years. It is stated that the bull beef enterprise would cease once the poultry units are established.

6.10 The proposed development site is currently used for agricultural production, however due to its proximity to the existing farmstead the site is suitable for expansion of the existing farm business. The site has been selected specifically as it is:

- immediately adjacent to the existing farm buildings which are the hub for management of the farm unit,
- has sufficient space to accommodate the development and can accommodate the required infrastructure (power, drainage, access);
- benefits from screening behind the existing farm buildings which the proposed landscaping measures would enhance and will therefore represent an extension of the existing built form comprising Corfton Farm, as opposed to an isolated rural development;
- is not affected by any environmental designations
- is separated from the nearest privately owned residential properties not associated with the farm unit.

These justifications can be supported in principle provided the requirements of other relevant policies and guidance are also met.

Environmental implications of the proposals

6.11 Transport: Policy CS7 requires sustainable patterns of communications and transport. A new access is proposed from the Corvedale Road 110m east of the existing access (which would be closed off) in order to improve visibility. Highway officers have acknowledged that this would be beneficial in highway terms given the dangerous nature of the existing access which emerges from a cutting with restricted visibility in both ways and where there has been one recent fatality. The access would be used both for the poultry unit and for other arable farming activity at the 1200 acre holding.

6.12 The Environmental Statement advises that the construction phase would last 3 months and would generate of the order of 200 HGV movements. During operation the proposals would generate 4 day peaks of activity at the end of each crop cycle - approximately every 44 days. There would be up to 13 return (in and out) movements by HGVs / tractor & trailer each day over the 4 day period, followed by much lower levels of activity of less than one per day. This assumes a worst case of all manure removal taking place by tractor and trailer. Manure would be dispersed locally on land owned by the applicant. This cyclical increase in traffic would be partly offset by the intended decommissioning of the applicant's bull beef activities.

6.13 An analysis of existing peak HGV flows on the B4368 predicts that HGV movements from the proposed development will not be likely to coincide with when the road is at its busiest and that the contribution of the site to existing levels of traffic will not be significant. Enough space would be available adjacent to the proposed poultry sheds for turning, allowing vehicle users to enter and leave the site in a forward gear. The site initially will be managed by the applicant and his family, who lives on-site. Travel distances will therefore be reduced to the absolute minimum. Highway

officers have confirmed verbally that there are no objections to the proposals and it is concluded that the proposals are capable of complying on balance with Policy CS7.

Noise and odour

- 6.14 Odour: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. It is generally expected that a 400 metre zone around intensive livestock development is the threshold for nuisance complaints relating to airborne emissions. The closest properties (Corfton Farm, Corfton Cottage and Highfields) are owned by the applicant. It is stated that in view of this the residents have an interest in the proposed development and nuisance complaints will not be an issue. It is understood however that Corfton Cottage is occupied on a tenancy basis by a resident who is not associated with the farm business. There is therefore a possibility that the occupant of this property may have a greater susceptibility to odour.
- 6.15 An Odour Impact Assessment advises that one privately owned receptor at Corfton Hall is on the edge of the 400m threshold. The modelling indicates that normal measures to reduce odour, such as optimised feeding regimes will be sufficient to reduce the impact to an acceptable level at all receptors with the exception of Corfton Hall where occasional odour will be perceived, primarily during the last days of a crop and during cleaning of the houses. The possible need for additional operational measures would be determined by the Environment Agency as part of the environmental permitting process. The applicant confirms however that the Odour Management Plan submitted with the EP will be particularly robust to ensure that all measures are taken to reduce odour emissions, including a specific plan to deal with odour during the clean-out phase. There is opportunity to delay clean-out if weather conditions would exacerbate the potential for odour issues. Allowing for factors such as the distance that Corfton Hall is from the proposed poultry units, the prevailing winds, built in odour control measures and proposed additional mitigation measures it is considered that any potential impact from odour would be minor.
- 6.16 The sources of odour (the doors to the proposed chicken sheds) would be further away from the dwellings than the existing farm buildings (110m for the nearest unit). The proposed poultry buildings would also provide good initial dispersion of emissions by virtue of the use high velocity ridge mounted fans. There would be 4 days per 48 day cycle during which opening of shed doors will be required for crop clearance and cleaning and there is greater potential for odour at these times. However, shed doors would be on south west elevations facing prevailing south-westerly winds which would be expected to keep any odour within the buildings and/or blow it away from the nearest properties.
- 6.17 An environmental permit application has been submitted to the Environment Agency and contains additional detailed information on odour modelling. The Environment Agency has confirmed that there are no objections on this basis and that any Permit would be subject to a detailed odour management plan with additional control measures. It is likely that the permit will require more stringent odour control measures given the presence of a private tenant at Corfton Farm Cottage and the applicant has been made aware of this. It is however considered that a degree of odour might reasonably be expected from time to time at the site as part of normal farming practices. The applicant has confirmed that an existing source of odour from the beef

farming business would be removed if the current proposals are approved. It is not considered that a refusal on odour grounds could be justified given the Environment Agency's lack of objection. It is however recommended that appropriate odour control and amenity protection conditions are imposed on any permission.

- 6.18 Noise: A noise assessment compares existing noise with that expected from the proposed poultry unit at four nearby locations: Corfton Farm, Corfton Hall, Elsich Barn and properties off the B4365 to the south-east of the proposed site. This finds that the sources and frequency of noise events will decrease and the separation distance between sensitive receptors and noise sources will increase. The report concludes that at Corfton Farm, the impact of noise from the proposed development, including air fans on the buildings, would be 'minor' during the day and potentially 'major' at night. This is before the potential mitigating effect of intervening buildings, difference in elevation and the direction of the prevailing winds is taken into account. However, the assessment states that Corfton Farm is owned by the applicant who has an interest in the proposed development so noise is not considered to be an issue at the property. There are no other locations where noise from the facility would be likely to give rise to complaints.
- 6.19 Corfton Farm Cottage (next to the farmhouse at Corfton Farm) is rented by a private tenant and is likely to encounter increased night time noise. In addition there may be the potential for increased odour at this property, particularly at the end of each crop cycle. The tenant has not written to object to the current proposals, although the possibility of future amenity issues cannot be discounted in this location. A degree of noise is to be expected in a farmyard setting and there would be some reduction in other levels of activity and associated noise due to the planned decommissioning of the beef business. Any tenant would ultimately have the option of ending their tenancy if necessary. However, the applicant occupies the adjoining property and would have a vested interest in ensuring that amenity was preserved, in order to protect their living environment. The Environment Agency would also have the potential to impose additional safeguards as part of the permitting process. Public Protection has not objected. It is concluded that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8 and that refusal on grounds of odour or noise could not be justified.

Natural and Historic Environment:

- 6.20 Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.
- 6.21 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. Habitats on-site are generally of low value given the intensive use of the site for agriculture and the value of the site as habitat for protected species was found to be limited. There are no records for specially protected species in the area surrounding the site. Ponds 100m to the north and 430m to the south of the site are in spatially separate locations which would not be directly affected by the proposals. There will be no significant loss of habitat as a result of the development during the construction, operational or decommissioning phase, although the arable and grassland habitats and surrounding tree and hedges may see some minor impact. The planting of a native hedgerow and trees as part of landscaping

works would provide an intermediate positive effect. An initial ammonia screening assessment has been carried out by the Environment Agency. This concludes that detailed ammonia modelling will not be required and that an appropriate assessment will not be required as part of the Habitats Regulations Assessment linked to the Permitting process. It is concluded that the proposals would not impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.

6.22 Visual impact: A landscape and visual impact appraisal has been undertaken in accordance with relevant methodology. This concludes that the direct effects on landscape will be limited. No important landscape features or elements will be lost as a direct consequence of the development. As the site lies close to an established agricultural development the report states that the proposed development will be compatible with the surrounding agricultural land uses. With regard to indirect effects and the perception of landscape character, the report considers that the proposed development will have minimal effect on the wooded hills and estate lands on which the development site is located and on the other character areas surrounding the site. Nor does the report consider that there would be a significant impact on the character of the AONB or the reasons why it was designated. In terms of impact on visual amenity the report considers this overall to be minor when taking into account the proposed site levels and landscaping works and that the landscape is capable of accommodating the development.

6.23 This conclusion has been challenged by the AONB Partnership who consider that the proposals would introduce a new large scale structure to the landscape which would be harmful to the AONB. In order to address this concern the applicant has provided some photomontages of the site from 4 surrounding viewpoints. It is considered that whilst the proposed poultry units would be quite large structures the photomontages support the conclusion that the proposed site would not give rise to an unacceptably adverse impact in the local landscape. This is given the low profile nature of the development, its setting, the proposed landscaping measures, the proximity to the existing buildings and the fact that the buildings would generally be viewed only from a distance:



Pedlars Rest, 500m south, Existing and Proposed





Lawton 2.8km SE – Existing and Proposed



6.24 The applicant has forwarded this information to the AONB Partnership and has emphasised the following points:

- The proposed development is on intensively farmed arable land immediately to the rear of the existing large scale buildings.
- The site will be re-profiled which will result in the two rearing sheds to the rear of the building (including feed bins) being only 3.12 metres above the ridge height of existing agricultural buildings on the farm. The two additional units will only project 8.12 metres above the existing buildings.
- Extensive landscaping will be provided on all four sides of the proposed development site with an extended copse of trees to the north-west of the site being provided.
- The proposal includes the closure and reinstatement of the existing access track to the farm and replaced with a more natural access track more in keeping with the rural character of the area
- The buildings themselves will be low profile with a maximum ridge height of 4.8 metres. They will be finished in juniper green cladding to blend in with the landscape. The feedbins will also be coloured.
- The site is located on the edge of the AONB. The site will be totally screened from the north due to the topography of the land. The land immediately to the south is outside the AONB. Views from the valley side to the south would be very limited due to the distances involved, the re-profiling of the landscape and the location to the rear of existing buildings. It is also important to stress that the views from the valley side would be panoramic and this development would be a small part of a much wider panoramic vista.

6.25 It is concluded that the proposals would not give rise to an unacceptable visual impacts on the landscape provided they are subject to appropriate landscaping and surface treatment conditions. The photomontages suggest that the colour of juniper green proposed by the applicant for the sheds and feed bins would be appropriate in this setting. It is also considered that any residual visual effects after the proposed

landscaping is taken into account would be limited and outweighed by the benefits of the scheme to agriculture and the rural economy (Core Strategy CS5, CS17).

- 6.26 AONB: The site is located within the South Shropshire Hills AONB about 550m from its boundary and is a major development proposal. Planning policy seeks to balance the needs of the countryside as a working environment with its role as a place to live and enjoy, and the requirements of the AONB will be taken into account (e.g. Core Strategy Policy CS5). The applicant states that full consideration has been had to the siting and layout/orientation of the buildings to minimise impact within the AONB landscape, and a full raft of mitigation measures including re-profiling the site and landscaping have been set out. The Shropshire Hills AONB Management Plan mirrors national and local policy in that the landscape and natural beauty of the AONB should be protected and has been considered in the LVIA chapter of the Environmental Statement. The management plan sets out that the Shropshire Hills falls behind in many social and economic indices and development to meet economic and social goals is therefore a priority, but must be taken forward in ways which do not undermine the high quality environment of the AONB, which is itself a significant long term economic asset. The management plan does not preclude development in the AONB and recognises the importance of economic development and farming and food production in particular to the area.
- 6.27 The NPPF advises that ‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas’ (115). ‘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 (116).
- 6.28 The AONB is nationally important and its key special qualities are the diversity and contrast of its landscape, its hills, farmland, woods and rivers, the important geology, wildlife and heritage they hold, plus scenic quality and views, tranquillity, culture and opportunities for enjoyment. The AONB Partnership in its Management Plan recognises that schemes which may generate economic benefits in the short term have to be balanced with the longer term sustainability of the area.
- 6.29 In terms of need it is accepted that the proposals would assist in securing the future profitability of the farming enterprise which is a well-established family business and would contribute to the long term economic vitality of the rural area. The applicant states that agriculture plays a significant role in the vibrancy of local communities across Shropshire, performing a social function as well as an economic function. The farming community is a key part of community life and cohesion in our rural villages and towns. The proposals would help to supply a significant national need for poultry

meat. Many of the main poultry processing companies such as Cargills UK have a shortage in supply and are actively seeking sites for poultry production in the Shropshire area. In terms of the cost / scope of developing the proposals elsewhere it is considered that this would not be realistic as the business needs to be based physically next to the existing farm unit with which it is linked. Whilst there is other land within the applicant's holding this is all within the AONB and there are no other sites which are as well suited to accommodate the development. In terms of detrimental effects on the environment it is considered that the information accompanying the application demonstrates that there would be no unacceptably adverse impacts when available mitigation measures are taken into account. This includes the visual information provided by the applicant's photomontages.

- 6.30 It is considered that the proposals would have significant local benefits for rural vitality, would help fulfil a national demand for poultry meat and would not give rise to any unacceptably adverse effects on the AONB. It is therefore concluded that the exceptional circumstance justifications for developing within the AONB are met.
- 6.31 Cultural Heritage: A Heritage Impact Appraisal has considered the potential impact of the proposals on heritage assets surrounding the proposed development. This concludes that there will be no significant impact on heritage or archaeological features. The only assets that could see any impact are Hill House Farm - which would only be limited, and Corfton Castle – where minimal impact is possible. The proposed development will make little significant impact on the setting or character of the AONB. There would be negligible impact on Corfton Hall and very limited impact on Cofton Hall Lodge. An archaeological watching brief can be undertaken during the necessary groundworks to ensure that there is no impact on any unidentified archaeological assets on the site. Historic Environment has not objected subject to an archaeological watching brief condition which has been recommended in Appendix 1.
- 6.32 Water resources: Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The applicant states that the proposal accords with Policy CS18 as it will not give rise to significant adverse effects on water or flooding. A Flood Risk Assessment considers the potential of the proposals to contribute to surface water flooding as a consequence of increased runoff from roofs and hardstandings. The assessment concludes however that the proposed Sustainable Urban Drainage Systems (SuDS)) will ensure any such risk is insignificant. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 6.33 Manure management: Manure from the site would be stored in in-field stores before being applied to the land as organic fertilizer. No manure would be stored on site, even for a short period. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations are available away from ground and surface water sources. None of the land that the applicant farms falls within an Nitrate Vulnerable Zone. It is considered that the proposals would not pose any significant risk to ground or surface water quality.
- 6.34 Biomass boiler: The poultry units would be heated by a modern biomass boiler system which would be fully compliant with relevant air emission standards. Biomass boilers produce a drier heat than traditional gas fired boilers which reduces the moisture content of poultry litter. This in turn reduces ammonia emissions and has benefits for

bird welfare. The renewable heat energy produced by biomass boilers also has benefits in terms of climate change by substituting for the greenhouse gases which would otherwise be emitted by a fossil fuel heating system.

- 6.35 Hydrology: A hydrology report advises that the site is not located over an aquifer. The proposed drainage system will be a sealed system and discharge at Greenfield rates to a new pond, with this then discharging at Greenfield rate to the existing pond to the south and the existing ditchcourse/watercourse further downstream. The surface water drainage to the site has been properly prepared and Suds techniques will be used to slow and restrict surface water from the development and site. The proposed attenuation pond has been designed to accommodate the full required attenuation for a worst case event of a 1 in 100 year storm + 20% climate change. The proposals will not result in increased flows from the site and will seek to control run-off where the existing site has no controls. A suitable means of dirty water drainage disposal from the proposed development is proposed. To ensure that no dust enters the watercourse through clean water drainage this will be diverted through French drains with collection pipes before discharge. The hydrology report demonstrates that the farm can store and manage manure and dirty water produced on farm safely and in accordance with DEFRA's guidelines. Land drainage have not objected. It is concluded that the proposals can be accepted in relation to Core Strategy Policy CS18 (drainage).
- 6.36 Material balance: The proposals would require excavation works in order to create two level development platforms. The site would be stepped into the existing gently sloping field, with excavated banks at the north-west corner side of each platform area. The excavated bank around the north and west sides of the site would be planted up with trees and shrubs. The applicant has confirmed that surplus excavated material which would need to be removed from the site would be spread thinly over a wide area on the adjoining land within the ownership of the applicant, thereby eliminating the need for such material to be disposed of at a suitably licensed inert waste facility.
- 6.37 Consideration of alternatives: The EIA Regulations 2011 require applicants to consider alternatives (Schedule 4). Alternatives were considered as part of the project. The application site was preferred however as it would allow use of the farm infrastructure and services. The preferred site is grouped with the existing buildings and is located in an area which the applicant states is the natural expansion direction of the farm. It is considered that the proposed development represents an appropriate choice having regard to other alternatives and the decision to discontinue the beef farming use.

7. CONCLUSION

- 7.1 The proposals represent an appropriate form of diversification for the existing farm business. They will assist in ensuring the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. They will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat. The proposals therefore comply with Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).
- 7.2 It is considered that the EIA accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping.

The recommended conditions would also be supplemented by detailed operational controls available under the Environment Agency's permitting regime. It is considered that the benefits of the scheme outweigh the potential impacts and that the exceptional circumstance tests for major development within the AONB are met. It is concluded that the proposals are capable being accepted in relation to relevant development plan policies and guidance.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

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

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

Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

Equalities

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

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when

determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. BACKGROUND

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:

- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

10.3.3 The Bridgnorth Local Plan The site is not affected by any specific designations in the

Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that ‘Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire’s high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets’.

10.4.2 Draft policy directions for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD9 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD14 – Protecting and enhancing Shropshire’s natural environment (seeks to ensure that biodiversity sites, habitats and species of recognised value are protected and enhanced).

It is considered that the proposals are in broad compliance with these policy directions.

11. RELEVANT PLANNING HISTORY:

[View Details on Line](#)

<http://planningpa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N2LH3ETDI0G00>

11.1 The application site is located mainly on an agricultural field which has no prior planning history but part of the site occupies an existing building currently used for pig rearing.

List of Background Papers : Planning Application 14/00784/EIA and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price
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Local Member: Cllr Cecilia Motley (Corvedale)

Appendices: APPENDIX 1 - Conditions

APPENDIX 1

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 odour and noise. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

Conditions

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than one weeks pror notice shall be provided in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission,. Such date shall be referred to hereinafter as the Commencement Date.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application form dated 20th February 2014, the accompanying planning statement, environmental statement and supporting appendices and the approved drawings namely:

- SA13695/01 (Location Plan);
- SA13695/02 (Block Plan- with topographical levels);
- CF-SP-101 (Site Access Plan);
- CF-DL-100 (Site Layout Plan);
- CF-DO-102 (Drainage Outfall Plan);
- 02 (Access Plan);
- SA13695/05 (Site Sections).

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

- 3a. Tree, shrub, hedge and other planting and subsequent management shall be carried out in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. All planting and seeding shall be carried out in accordance with the approved landscaping plan within twelve months of completion of the construction phase.

- b. Any tree, shrub or other planted material which dies or is otherwise lost during the first 5 years post-planting shall be replaced with a tree, shrub or other plant of similar size and species.

Reason: To ensure landscaping is carried out and managed in a way that will provide the best conditions for it to reach maturity and thereby provide the intended mitigation and amenity benefits in the long term.

4. Prior to the Commencement Date a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

Note: The scheme should amongst other matters confirm that measures that will be put in place so that there is no possibility of contaminated water entering and polluting surface or ground waters and no possibility of any building material or rubbish must finding its way into the watercourse.

5. No development shall commence on site in connection with the approval until samples of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

6. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved. Details of the flow control structure should be submitted for approval prior to the commencement of the works.

Reason: To ensure that the surface water drainage system is adequate and to minimize flood risk.

7. Prior to the Commencement Date a scheme confirming that the drainage details of the new access road shall be submitted to and approved in writing by the Local Planning Authority.

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 surface water drainage system is not being used.

Note: The scheme shall confirm that the proposed drainage provisions fulfil the requirements of Shropshire Council's 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 any area outside of the development site.

8a. No rainwater contaminated with silt/soil from disturbed ground during construction shall drain to the surface water sewer or watercourse unless a scheme detailing of measures to ensure settlement of silt/soil have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

b. Any fuels and/or chemicals used on Site shall be stored on hardstanding in bunded tanks.

Reason: To protect surface and ground water resources from pollution.

9a. No development shall commence on site in connection with this approval until the applicant (or agent acting on his behalf) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

b. The scheme required by condition 7a above shall include provision for the carrying out of a geophysical survey of the proposed new access track site prior to the Commencement Date. If the results of this survey indicate that further evaluation is necessary to assess the extent, survival and significance of any archaeological remains then proposals for carrying out this additional survey work shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date.

Reason: To allow appropriate recording of any archaeological remains which may be present at the Site and to provide an opportunity to record any such features, including ridge and furrow earthworks which cross the line of the new access road.

10. Any existing trees or hedges on the boundaries of the Site which are not allocated for removal as part of the approved scheme shall be retained and protected from damage for the duration of the construction and subsequent operational periods.

Reason: To protect retained trees and hedges contributing to the character of the location from damage.

11. No development shall commence on site in connection with the approval until details of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

12. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

13. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is

brought into use. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

14. Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification), fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved plan and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

Notes:

i. *This planning permission does not authorise the applicant to construct any means of access over the publicly maintained highway (footway or verge). The applicant should apply to Highways Development Control using the application form and procedure shown on the attached document:*

<http://www.shropshire.gov.uk/hwmaint.nsf/open/BC00D601A750273C80256DD6003A5EA2>

ii. *Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact the Coordination Manager at the appropriate Area Office: - Craven Arms - southshropshire.highways@shropshire.gov.uk who shall be given at least 3 months-notice of the applicant's intention to commence any works affecting the public highway. This will ensure that the applicant is provided with an appropriate licence, an approved specification for the works and a list of approved contractors, if required. <http://www.shropshire.gov.uk/hwmaint.nsf/open/D8DAF1CB579FD61380256E2A004908E5>*

15. Prior to the first use of the development hereby approved 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.

16. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

17. Lorry movements when transporting birds during depopulation between 23:00 and 06:00 hours shall be restricted to a maximum of 4 movements and no lorries shall leave the development site between 11:00 and 2:00 hours.

Reason: To minimise disturbance to neighbouring residents.

18. The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours Monday to Friday, Saturday 08.00 to 13.00 hours and at no times during Sundays and bank or public holidays.

Reason - In the interests of residential amenity.

Note: It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. Work shall thereafter proceed strictly in accordance with the strategy agreed.

Reason: For the protection of surface and groundwater resources.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

21. All plant and machinery on site shall be installed as per the figures within the application and maintained thereafter in accordance with the manufacturer's recommendations.

Reason: To protect neighbouring properties.

22. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint;
- ii. Reporting the results of the investigation to the Local Planning Authority;

- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Note:

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 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.



<u>Committee and date</u>
South Planning Committee
24 June 2014

<u>Item</u>
13
Public

Development Management Report

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

Summary of Application

Application Number: 14/01173/OUT	Parish: Church Stretton
Proposal: Outline planning consent for residential development (up to 52 dwellings) to include access	
Site Address: The Leasowes, Sandford Avenue, Church Stretton, Shropshire SY6 7AE	
Applicant: Mr R.Hill	
Case Officer: Grahame French	email: planningdmsw@shropshire.gov.uk



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 Outline permission is sought for a residential development on land at the Leasowes off Sandford Avenue, Church Stretton 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 Sandford Avenue with a new internal access road passing through a wooded area in the eastern half of the site with housing mainly concentrated in the western half. The application refers to 'up to 52 dwellings'. However, following discussions with officers an updated indicative layout plan has been provided which shows a total of 34 houses and a number of landscaped areas.
- 1.2 The plots are proposed to be family sized homes of generally modest accommodation which the applicant states would satisfy an identified need in the community. 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 in the residential area to the west.
- 1.3 The access road would be constructed in such a way that the roots of adjacent trees in the eastern half of the site are not adversely affected. Detailed discussions have taken place between the applicant's arboricultural consultant and the Council's trees section. Separate pedestrian routes would link the site to the pavement at Sandford Avenue. The area south of the access drive in the eastern part of the site is identified as a communal picnic area.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 3.45ha) is located at the base of Helmeth Hill at the eastern edge of Church Stretton and to the immediate north of the B4371 Much Wenlock road (Sandford Avenue) from which access would be obtained. It comprises 2 adjoining rectangular areas with a fall of 25m from east to west. The eastern half on the higher ground adjoining Sandford Avenue currently comprises the large detached garden of a private property, The Leasowes. This area (1.59ha) has a parkland character, with a number of mature trees (particularly nearer Sandford Ave) set in an area of grassland. Access would be obtained through this area to the main area of proposed housing. The most recent indicative layout plan shows no p[roperties in this half of the site. Existing mature trees would be retained.
- 2.2 The western half of the site (area 1.87ha) which would accommodate the proposed housing currently comprises two small grassed fields. These are bounded to the south and west by existing residential development, to the north by a mature hedge with larger grassed fields beyond and to the east by the garden of the Leasowes. A

covered reservoir is located to the immediate north, in the angle between the eastern and western halves of the site. Access is currently obtained to the reservoir via a track running along the boundaries of the western half of the site. It is proposed that an alternative access would be provided to the reservoir via a link from the new access through the Leasowes.

- 2.3 The eastern half of the site is located in a Conservation Area which also runs along the southern boundary of the remainder of the site. A public footpath adjoins the eastern boundary but would not be affected. The site is located within the Shropshire Hills AONB which incorporates all of the settlement of Church Stretton.

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 Development Manager in accordance with the Council's adopted Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1 Church Stretton Town Council – No objection. As this is a prime site at the foot of Helmeth Hill and wood, in the setting of a Conservation Area within the AONB, the Town Council seeks assurance that the following will be addressed at the Reserved Matters stage:

- i. Access: More detail is required on the elevated roadway in the form of an engineering evaluation. Details of pedestrian access are needed so that the effect on neighbouring premises can be assessed.
- ii. Appearance: Because the site abuts a Conservation Area and is visible from Helmeth Hill and the Long Mynd, details of materials to be used (bricks, mortar colour/texture) to be made available before commencement of construction.
- iii. Design: The Town Council feels it would be beneficial for the developer to involve the community and a member of the Town Council T&F group at the design stage, to ensure buy-in to the scheme.
- iv. Scale: Height, width and length of each proposed building and its relationship to its surroundings should be made available.
- v. Archaeology: The Town Council supports the Shropshire Council's Historic Environment officer in his request for an archaeological assessment of the site before building commences.
- vi. Lighting: Although not usually a planning matter, in this case the Town Council would like to see a lighting scheme for the estate, with a Light Scatter Diagram to show potential for minimising glare to surrounding properties and the wider countryside.
- vii. Ecology: An Ecological Assessment is outstanding at the time of this submission.
- viii. Highways: The Town Council would encourage the Shropshire Council Highways to submit a full report on the access to the site from Sandford Avenue.
- ix. Flooding: To ensure proper water management (water runoff, seepage from the ground), a Proportionate Flood Risk Assessment will be necessary, along with details of any SUDS or on-site attenuation to be used.

- x. Trees: The tree cover on Sandford Avenue, and within the grounds of The Leasowes, is among the finest in Church Stretton. It is vital that the trees are preserved and protected. Access and movement of works traffic on site needs clarification. All proposed measures for tree protection should be in place before any work commences on site.
- 4.1.2 SC Public Protection - Specialist – No comments received.
- 4.1.3 SC Affordable Housing: - No objection. If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of 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 or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 20%. 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 Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.
- 4.1.4 SC Conservation (Historic Environment): - There is a single known heritage record within the proposed development site boundary Find of worked flints in the Garden of The Leasowes (HER PRN 01912). Additionally the surrounding area contains a number of non-designated sites relating to possible battlefield locations Possible battlefield c 50m south of Cwms Lane (HER PRN 01905) Roman roads Watling Street, West of Wroxeter (HER PRN 00108), and findspots relating to prehistoric and roman activity (HER PRN 06317, 03567, 03566). No previous archaeological work has been undertaken within the site boundary. In view of the above, and in accordance with Paragraph 128 of the NPP, It is recommended that an archaeological field evaluation of the application site be undertaken prior to determination of any planning application. The aim would be to assess the extent, survival, depth and significance of any archaeological structures, features and deposits on the proposed development site. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological evaluation has been satisfactorily completed and reported.
- 4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.1.6 SC Highways DC: – Verbal comments - No objection. The proposed access road from Sandford Avenue would not be an adopted highway. Management arrangements for ensuring the access road is maintained in a suitable condition to accommodate the development should be put in place. Adequate pedestrian links should also be provided to existing paving at Sandford Avenue as a pre-commencement condition of any subsequent full application.

4.1.7. SC Ecology: – No comments received.

4.1.8 SC Trees (07/04/14): In principle the tree service has no objection to this proposed development, but there are a number of key details that are either not clearly set out or require further detail before the Tree Service could give its full support to the discharge of reserved matters. It should be noted that Future Arbor Ltd have employed two different tree numbering systems on their plans. This inconsistency has considerable potential to cause confusion:

- i. CEZ discrepancy: - The Applicants Arboriculturalist has submitted two plans showing different construction exclusion zones both are labelled “Plan 3” these are SA/PR/1003Rev.A (dated 27/07/10) and SA/MS/1003/Rev.A (dated 24/04/12). For the purpose of this application the Tree Service has taken the more recent construction Exclusion zone submitted with the Arboricultural Method Statement (Ref. SA/MS/1003/Rev.A) as the relevant document. A statement of clarification to that effect from the applicant would be helpful.
- ii. Services: - The proposal offers no indication of the route for services, sewage and street lighting into and from the site. Allowing for the potential for the installation of such services to cause damage to trees, tree roots and to the ground in which they grow there is a need for the applicant to submit a clear service plan that has at least the tacit approval of building control before the tree service could be confident to sign off any reserved matters.
- iii. Access route discrepancy: - There is some discrepancy between the route of the access road shown in the arboricultural method statement (Ref. SA/MS/1005.Rev.A & SA/MS/1005.Rev.A) and plans submitted by Andrew Gough Development Consultant (ref.CS-AR-002:Rev.A & CS-GA-001:Rev.B) the latter is also included in section 5.1 of the planning statement. In the absence of a definitive plan the Tree service can only agree to the principle and would not be confident to sign off any reserved matters until there is a single acceptable definitive route provided.
- iv. Pedestrian Access - (ref.CS-AR-002:Rev.A & CS-GA-001:Rev.B) show a proposed footway along the western boundary of Leasowes with an exit onto Sandford Avenue. Details for the path and pedestrian access onto Sandford Avenue have not been submitted and therefore cannot be agreed to until it is shown that there are no arboricultural implications due to visibility splays, levels changes, the provision of lighting, bridges, culverts and steps in the RPAs of protected trees etc.
- v. Engineers details and variations - Whilst the proposal for the vehicle access is acceptable in principle, the applicant has submitted no engineering details. The Tree Service therefore considers that following the involvement of structural engineers there is potential for a considerable variation from the indicative plans so far submitted. To that ends the tree service recommends a condition that ensures that the arboricultural implications of any variations in the design and layout of the access route are subject to full and rigorous and arboricultural assessment in order to deliver a sustainable outcome.
- vi. Installation of a temporary track - Section 7 point 6 of the Arboricultural Method Statement refers to the installation of a temporary track during piling, but offers no detail on this track’s make-up or route.
- vii. Landscape considerations – Section 5.5 of the planning statement makes reference to the creation of “buffers” between the proposed development and adjacent

residential properties this sits well with the aspiration of the NPPF, Shropshire Core Strategy, and the Church Stretton Town Design Statement that new developments should be assimilated into their surrounding landscape in a sustainable way. Section 4.3 of the planning statement shows a view of the site as seen from the Burway, with the mature boundary tree in the garden of 36 Oaks Road highlighting the significance of trees in screening and softening the built environment into the landscape. It is therefore important that the “buffers” be accorded sufficient space to accommodate realistic sustainable boundary planting to help assimilate this new development into the wooded landscape that is fundamental to the character of Church Stretton, a point that is highlighted in the Church Stretton Town Design Statement. This point is also picked up in the SAMdev stage 2b assessment for CSTR019.

- viii. BS5837:2005 & BS5837:2012: The Shropshire Council Tree Service notes that the Arboricultural Assessment was drafted in the light of the guidance on good practice for development near trees set out in BS:5837:2005, and that the Arboricultural Method Statement follows the guidance of the revised British Standard BS5837:2012. In this instance the dimensions and interpretations of what is acceptable at this site are not significantly different between the two British Standards and so the Tree Service sees no good reason to require a revision of the original Arboricultural Assessment.
- ix. Recommendations: The Tree Service recommends that the above points be addressed preferably before this outline application is determined, or alternatively through reserved matters. With regard to the discrepancies set out in paragraphs 2.2 and 2.3 (Tree numbering and CEZ’s) an addendum to the planning statement or Arboricultural Method Statement that clearly identifies which CEZ is relevant, and that identifies the relevant tree numbers in a revised tree schedule that clearly allows comparison between each set of tree reference numbers in such a way that all users can easily interpret the Tree Protection plans and works prescriptions.

Public Comments

- 4.1.10 The application has been advertised in accordance with statutory provisions and the nearest 31 residential properties surrounding the site have been individually notified. Thirty one objections and one neutral comment have been received. The main issues are as follows:
 - i. Incursion into countryside / AONB: The Strettons are special because of their setting .Protection of this setting should be paramount.
 - ii. Traffic / access: Sandford Avenue already suffers from traffic problems; poor visibility for access, speeding traffic, excessive noise from motorbikes and trucks and a narrow pedestrian footpath on the south side of the street only. The additional traffic generated by 52 households will only worsen this situation as well as causing problems for residents using the Watling Street North junction to enter Sandford Avenue will involve the construction of a long access road exiting onto Sandford Avenue at the only bend on this road. If access to the housing site could be gained lower down Sandford Avenue for both vehicles and pedestrians the site would be more viable. Exceeding the speed limit is an existing problem on Sandford Avenue and more housing would increase the risk of serious accidents. Speed cameras

should be placed, facing in both directions, on Sandford Avenue. It is already very difficult to turn out of Oakland Park due to the presence of the mature trees on either side of the entrance, and a clear view either way can only be achieved by pulling out towards the middle of Sandford Avenue; this will become more dangerous with an increased traffic flow. The proposed new access road is just by a bend in the road which surely presents safety concerns for pedestrians crossing over to use the narrow pavement down Sandford Ave, and speeding vehicles coming around the bend. Our rear garden backs onto Sandford Ave, & over the years we have been very aware of increases in traffic volume and speed, particularly recently since the recent road resurfacing. Most cars do not currently adhere to the 30 mph speed limit. The Highways Consultant estimated that up to 360 traffic movements would be generated in a 24 hour based on 40 dwellings. The current proposal is now for up to 52 dwellings which would generate significant extra traffic movements (and noise). I feel the traffic situation in Sandford Ave. has not been considered properly. As a result of resident's complaints regarding speeding in Sandford Ave. a survey was carried out in road. This was about five years ago. The results were so shocking, average speeds were in the mid-40s, one vehicle was recorded at 90+ mph and it was agreed that a community speed partnership should be created. Several residents were trained in the use of speed cameras and designated points were established at key points in the road. One of these key points, from which the cameras could be used is exactly where the access to the proposed development is situated. I cannot understand why this has not been discussed in the plans. A proper survey of traffic should be conducted. I doubt if anyone is doing less than 45mph at the entrance to Leasowes. The visibility splay for vehicle access to Sandford Avenue does not show adequate sight lines due to the number and size of existing trees which are protected by preservation orders and the volume of traffic (likely to average at least 2 cars per house) generated by the development.

- iii. Effect on character of Sandford Avenue / conservation area: Sandford Avenue has a unique character which is threatened by this proposal. The increased noise to the amount of traffic will only get worse and will be a concern for many neighbours in the area. Also having moved into a conservation area recently surely we need to take into account this and understand how this development will effect this.
- iv. Site choice / principle: There is adequate scope for identifying infill sites within the built environment where there would be less impact. This site is a mile and a half from the school and a mile from the shops and there is no public bus route along Sandford Avenue.
- v. Layout / plot density: No layout plan. Initial proposals indicated in the region of 40 dwellings, which in my opinion is excessive for this area. However, the current application states 52 dwellings? this is a serious concern, in terms of building density etc. To date there are no plans to illustrate how the proposed dwellings will be distributed on the site. The latest indicative layout, uploaded on 23rd May, shows approx. 34 houses. There is no supporting statement showing why this is: has the application changed from (up to) 52 houses to (up to) 34 houses? If not, the layout is far from indicative of the proposal for which outline planning permission is being sought. I refer to my previous objection, which shows that the original

proposal for 40 units was reduced to 34 units and has now been reduced to 20 units? The new indicative layout showing 20 dwellings was circulated. Mr Stephens (for the owners of the site) felt this was now more in keeping with the surrounding properties? (Source: minutes of the meeting of the Church Stretton Town Council on 5th February 2013). The Supporting Statement for the Outline Planning Permission asserts that 'The size and scale of the proposed dwellings will be in keeping with the properties in the area'. A development of 52 dwellings on this site will constitute a low density? The increased density would have a serious negative visual impact upon the views of the Stretton Hills. If the size and scale of the proposed dwellings is to be in keeping with the properties in the area, they need to be restricted to true and chalet bungalows. Being even higher up the slope than the Battlefields Estate, the visual impact is more acute and two-storey buildings would be both more visible and completely out of keeping with the existing developments. There are few, if any, mature trees on the proposed site where most of the buildings are proposed to be sited, which makes the visual impact of building there greater. The current planning application does not address this issue, as no information is given on the proposed layout of the buildings or on the design of the houses. The type of housing needs special consideration. Battlefields is largely made up of single story bungalows. It would be inappropriate to place any units other than bungalows in this dominating position over Battlefields.

- vi. Flooding: Taking into account the sloping nature of the site and the significant drainage from the hillside, there is concern in relation to exacerbated localised flooding due to water run-off, particularly from dense building and associated hard landscaping, roads etc. The pasture upland field is west facing and attracts considerable rainfall, which has caused problems with flooding of the properties below in the past. Construction of a bottom drainage ditch diverts some of this water into the adjoining stream which has then caused flooding in the Alison Road properties adjoining Sandford Avenue. Constructing housing and roadways on this pasture will exacerbate this problem and lead to greater and faster water runoff. Even with the construction of an efficient drainage system this will put an enormous additional load on the drainage system in Church Stretton below, which already has severe problems in coping at present. Flooding downstream of hill country is becoming a serious problem within the UK. Future development needs to concentrate on stopping rapid runoff from hillsides, preferably by tree planting, not increasing the acute loads on rivers by development of greenfield hillsides.
- vii. Policy: The Application should not have been submitted before the Planning Inspector had completed his examination of the SAMDev Pre-Submission Draft (Final Plan). No adequate reason was given in the SAMDev Plan Revised Preferred Options document for the deletion of Site CSTR014 for housing or for the chosen option of Site CSTR019 as a preferred site (reserve site only).
- viii. Ecology / trees: Access to the housing site via The Leasowes will involve significant disruption to trees and wildlife. The surrounding area, including Helmeth Woods, the farming land adjacent to the West, and the gardens of Sandford Avenue, Oakland Park and Whitehouse Gardens, form an important varied habitat supporting a diversity of birds, mammals and amphibians in addition to the plant life. The insertion of relatively densely configured housing (in the absence of plans it

is hard to imagine it will be anything otherwise) will have a negative impact upon this wildlife and plant life. A root protection area (RPA) for my tree has been proposed, but I fear that it may be too small and also, if it is in new gardens, the owners of those gardens could cover the area with such items as sheds, greenhouses and patios, which would all mean less water entering the ground and so could have a negative impact on my tree. Were the development to proceed, I would suggest a larger root protection area and also the use of a covenant to prevent such development on the RPA.

- ix. Footpath: I object to the proposed footpath on the grounds that it runs alongside whole length of my eastern boundary and the sloping ground would cause a complete lack of privacy, raise noise and nuisance concerns, and have adverse implications for the security of my property. The exit on to Sandford Avenue (east) would be unsafe for pedestrians, (especially children) who would need to cross the road to reach the footpath on the far side. Much of the traffic, which would increase with the proposed development, fails to adhere to the speed limit. There is no footpath on the northern side of Sandford Avenue and only a narrow verge with visibility severely limited by large mature trees. The proposed path is unnecessary as normal highway requirements would stipulate that a footway be provided as part of the access roadway. Should the proposed footpath be approved then it should be provided with acoustic anti-climb fencing to a height of at least 2.5m to prevent the problems set out above.
- x. Loss of amenity: My house is located at the bottom of the slope on which this development is to be built and would suffer significant loss of privacy due to:
1. My garden borders the land with a low fence separating it from the field in question. Privacy would be completely lost, which would be particularly intrusive in the warmer months when one wears much less and is in the garden much more. This problem could be reduced (but not removed) by the removal of the current fence and erection of a six foot fence at considerable expense - an expense brought about by the development. Patio doors lead from the garden to the lounge/diner and also a large window in the kitchen looks onto the field. This development would mean I have less privacy in my house. My (first floor) bedroom looks onto the field in question. Were the development to happen, all and sundry would be able to see directly into my bedroom - a highly intrusive situation. Amongst other reasons, the privacy currently enjoyed by my house was a major reason for its purchase (as were the views). Only with detailed plans could the extent of the loss of privacy been determined. The erection of bungalows may help, but the fact that the land slopes down to my house would still result in significant loss of privacy. In the warmer months, my beautiful oak tree (tree number 75 (I think)) is in full leaf, resulting in significant loss of light from directly above. Currently this is well compensated by light from the direction of the field. If the development were to proceed, the need to erect a higher fence (for privacy reasons) would result in significantly reduced light levels, which would impact of the plants in the garden and the ability to enjoy being in the garden.
- ix. Other: I am very concerned that this planning proposal has had no publicity within the town as it will have a major impact on Church Stretton. There must be assurance that there are no legal covenants in place which would restrict building

development on this site. The application itself has been little publicised and thus it cannot be claimed that the sort of public engagement envisaged in the Council's SCI has taken place

- 4.1.11 Church Stretton Tree Group: The Church Stretton Tree Group objects to this proposal because we are concerned about the design of the proposed access road which has been designed subject to the following comment by the designer: "Note: All specifications must be approved for use by a civil/ structural engineer, highway consultant and/or Highway Authority prior to installation to ensure conformity with current legislation and guidance." These engineering assessments need to take place before this application is determined, because if the engineering evaluation demonstrates that the construction method has to be replaced by a conventional road there would be very serious damage to the trees on site, which the applicant states will be retained. Any such damage would cause a significant loss of tree cover and be detrimental to the visual amenity of this part of the conservation area and Shropshire Hills AONB. Unless the applicant demonstrates that their proposal is a feasible method of accessing a site of 52 dwellings then the application should be refused. In addition no layout plan has been provided and it is unclear whether areas of the site with trees will be affected by this development. The potential damage to trees by services is also a concern as there is insufficient information provided in this application. The Council's Tree Officer has expressed concern about a number of inconsistencies in this application and we support his view that these important details should be provided before this application is determined. It is also our view that space should be allowed for significant new planting of trees to soften this development and to maintain the distinctive tree-rich landscape character of the town.
- 4.1.12 The Strettons Civic Society: The developers published a layout statement at an earlier stage when they suggested that 40 houses could be built on the site. The proposal is now for 52 houses and the application is for both the Battlefield (CSTRO19) and Leasowes (CSTRO 22) sites. At this outline stage it would be helpful to see the developers plan for the location of the buildings. Shropshire Council has the power to ask for more information under the Town and Country Planning (Development Management Procedure) (England) Order 2010 which is quoted as follows. 'Applications for outline planning permission 4.?'
- (1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.
 - (2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of 1 month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.
 - (3) Where layout is a reserved matter, the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated. 'layout' means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. As it stands the application does not meet the requirement of Regulation 4(3) and we ask Shropshire Council to obtain the information and publish it on the planning web-site. You may also wish to consider whether it would be right to obtain information under Regulation 4(4) at this stage.

(Officer note, an indicative layout plan indicating the general location and design of the access has been provided by the applicant).

- 4.1.13 Oakland Parks Association: We are in agreement with comments by Mrs Yvonne Roberts with regard to the very narrow distribution of the OPA as the development that is proposed will affect all the residents of Sandford Avenue, Hazler Road area and Battlefield in addition to the town and the local infrastructure of the area. Community involvement seems to have been kept to a minimum whereas it should be widespread and we request that this is immediately rectified with a corresponding extension of the time limit for objections. We are concerned about the Highways report in the OPA. This assesses the impact of a development of 40 houses whereas the OPA is for 52 houses. This discrepancy should not have occurred as the impact will be increased by 30% and a more accurate report should be resubmitted. No mention has been made of the fact that access to and from Battlefield is by a narrow single carriageway. The residents of Battlefield should be aware that any increase to the traffic flow along Sandford Ave. which will result from this development will exacerbate their difficulty in entering and leaving their estate in addition to causing a pinch point that may well impede traffic flow along the Avenue and up to the traffic lights at the intersection with the A49. There is a paradox here in that the modification to the entrance to Leasowes for the purposes of the development and the provision of visual safety when accessing Sandford Ave. will increase traffic flow to the extent that existing residents of the Ave. will find it even more dangerous to exit their houses by car as vision in almost every case is already impeded by the (TPO) lime trees. The danger of vehicular access to the Ave. for residents is directly related to traffic flow (and the willingness of drivers of through traffic to adhere to the speed limits which does not happen)

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 Church Stretton is identified as a Market town and Key Centre in the adopted Core Strategy. Policy CS3 – “Market Towns and Other Key Centres” requires market towns such as Church Stretton to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town’s distinctive character and must be supported by improvements in infrastructure. The Policy indicates that “Church Stretton will have development that balances environmental constraints with meeting local needs”. Policy CS3 states that the indicative scale of housing development in Church Stretton over the period 2006 – 2026 will be less than 500 dwellings.
- 6.1.2 Policy S5.1 of the Pre Deposit Draft SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town’s development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13. Particular care should be taken with the design and layout of development in accordance with Policy MD2. The current site is one of 2 sites allocated for residential development in the Pre-Deposit Draft SAMDev. A table associated with the policy advises that ‘development is subject to satisfactory and appropriate vehicular access which must safeguard protected trees. The design and layout of development must have regard to the setting of the Conservation Area’.
- 6.1.2 Housing land supply in Shropshire has fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved housing policies are now out of date and this has implications for future planning decisions. However, the SAMDev is at a relatively advanced stage and some additional weight can therefore be afforded to it as an indicator of future sustainable housing locations. The current site is allocated in the emerging SAMDev and has the support of Craven Arms Town Council. It can therefore be regarded as a potentially sustainable housing location if there is compliance with other relevant planning policies.
- 6.1.2 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. This includes potential effects on the Conservation Area and the AONB. If so, then 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 which now envisages 34 houses 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 without the requirement to remove any mature trees. Exact details of the junction and internal access roads would be provided at the reserved matters stage. Highway officers have not objected but have recommended that a management regime is set up to maintain the proposed internal access road. This would be secured at the reserved matters stage. 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 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse due to replacing sloping field areas with less permeable surfaces. References to local drainage problems have been made by some objectors. A sustainable drainage system (SuDs) would be adopted. 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. It is considered that the proposals are capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.3 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. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water would 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. However, the option of installing a package/biodisc treatment plant at the site would exist if a main sewer connection was not possible (subject to a separate planning permission). (Core Strategy Policy CS8, CS18)
- 6.2.4 Visual amenity: The proposed site is located on rising ground within the AONB. Predominantly the views from the site are towards the west into the existing town and Carding Mill Valley and the Shropshire Hills. There are limited views to the east

and south due to the topography and natural vegetation. Existing vegetation fronting Sandford Avenue would screen the development from this location. The proposed access and road would also be designed sensitively maintaining existing trees. It would curve downhill into the site, so the proposed houses should not be visible from the access. It is not considered that there would be an unacceptable visual impact on the Conservation Area. Nor would the site be visible from the A49 due to the presence of an intervening ridge. The development would be visible locally from some adjacent existing housing to the south and west although proposed intervening landscaping would limit the extent of any such visibility. Some scenic views towards the Stretton Hills from 4 existing properties at Oaklands Park may be subject to change. However, this cannot be used as a reason for refusal. Views towards the proposed development may also be afforded from rights of way and tracks to the north and east. However, from these locations it is considered that the development would be seen within the visual context of the existing residential development along Sandford Avenue.

- 6.2.5 The most recent indicative layout plan shows no proposed houses in the eastern half of the site. This preserves the aspect and 'parkland' setting of the Leasowes, which, although not a listed property, is a significant visual attribute in a commanding location on this margin of the Conservation Area.
- 6.2.6 The proposals involve landscape planting and the applicant has agreed to consider specifying some bungalows or 1½ height properties in the housing mix given the elevation / setting of the site and the characteristics of adjacent residential development. The level of the development platforms 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 and townscape and would not impact adversely on the setting of the Conservation Area of the AONB. It is concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)
- 6.2.7 Noise: A condition requiring submission of a Construction Management Plan has been recommended. This 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, topography and that the number of publicly accessible viewpoints is limited. Some local residents have expressed concern that increased vehicle movements from the proposals could in turn cause increased noise to existing residents fronting Sandford Avenue and the associated Conservation Area. The latest indicative layout however shows a reduced level of housing (from 52 originally to 34). It is not considered however that the level of traffic likely to be generated by the development would represent a significant increase on existing traffic levels along Sandford Avenue which would be likely to materially affect existing noise levels.
- 6.2.8 Privacy: Some local residents adjoining the site have objected on the grounds of loss of privacy as a consequence of the proximity of new housing and a proposed footpath. It is perhaps understandable that some existing residents who currently

overlook an open field would express this concern. The detailed treatment / alignment of the footpath is a matter which would be considered at the reserved matters stage. The boundaries between existing and proposed residential development and the spacing and heights of individual properties would also be considered at the reserved matters stage. The need to preserve the privacy of existing and proposed properties is an important material consideration. However, it is not considered at this stage that the indicative layout plan suggests that there would be any fundamental limitations with respect to privacy issues. The reduction in housing density referred to above frees up additional space within the layout to allow this issue to be addressed.

- 6.2.9 Archaeology: The council's archaeologist has requested that an archaeological field evaluation is undertaken at this stage. This is based on a single find of worked flints in the Garden of The Leasowes. It is not clear whether this was an in-situ find or was washed down from higher up the hill, as can often be the case with Neolithic artefacts. The applicant accepts the need to undertake an evaluation but questions the justification for undertaking it at this outline stage when no excavations are proposed within this area of the site. The preparation of a full archaeological survey will entail significant cost and delay to the applicant. The key tests to apply when considering the justification for planning conditions is whether they would be reasonable, necessary and linked to the development. Relevant heritage guidance also advises that the extent of any heritage information requirement should be proportionate to the level of significance of a potential asset.
- 6.2.10 In this case it is considered that there is insufficient evidence to clearly justify the preparation of a full archaeological field investigation and associated cost and delay to the applicant at this outline stage. The western half of the site has been intensively farmed previously and is immediately adjacent to other residential areas. Although in proximity to where the flint was found it is in a different geographical context, being below the slope break where the Leasowes is situated and some way from the historical access route into the Stretton Hills which Sandford Avenue provides. It is considered that requiring the provision of an archaeological evaluation at this outline stage would not meet the test of reasonableness and would be open to appeal by the applicant. Such a condition would however be appropriate at the reserved matters stage and a suitable condition has been recommended in appendix 1. This has been agreed by the applicant. Core Strategy Policy CS17.
- 6.2.11 Ecology: An ecological survey confirms that the western half of the site has limited habitat interest. The eastern half has a number of mature trees with bat roost potential but these would be protected and an arboricultural method statement would apply. An amended layout plan shown no housing in this area. The access road would be constructed as a raft on top of the existing ground, secured by a 'helical piling' technique to prevent damage to roots. Space would be provided locally under the carriageway to allow wildlife to pass freely. Detailed mitigation measures are capable of being progressed further at the reserved matters stage. Landscaping is proposed and would add to overall levels of biodiversity within the site. Appropriate ecological conditions and informative noted have been recommended in Appendix 1. Subject to this it is considered therefore that the

proposals are capable of complying at this outline stage with Core Strategy Policy CS17.

6.2.12 Arboriculture: The eastern half of the site has a number of mature trees and the Council's Trees section has commented in detail on the proposals. Initial observations highlighted a number of discrepancies in data provided by the applicant. However, a meeting has since taken place between SC Trees, the applicant's arboriculturalist, planning officers and other stakeholders at which additional clarification has been provided on tree protection measures. It is considered that the applicant's arboriculturalist has now provided sufficient reassurance to confirm that there would be no unacceptably adverse impacts on trees in the eastern half of the site and on the Sandford Avenue frontage which form an important part of the setting of the Conservation Area in this location. In particular, it has been confirmed that:

- there would be no housing in the eastern half of the site which could impact on root protection zones;
- the access road would be laid on a 'raft' above the existing soil profile and secured by helical steel piles so as to minimise any potential damage to roots;
- a detailed arboricultural method statement would apply in order to prevent the possibility of any adverse impact on trees and roots.

These measures have been accepted in principle by the Council's trees section. It is considered that the proposals can be accepted in relation to tree issues subject to the conditions recommended in Appendix 1. It is also considered that the ability to protect mature trees within the site provided the necessary reassurance regarding the ecological matters referred to above. (Core Strategy Policy CS17).

6.2.13 Housing density: The application title refers to 'up to 52 houses' and the applicant originally produced an indicative layout plan showing this number of plots at the site. Officers advised that the applicant that this number of plots resulted in an unsustainable overdevelopment of the site. Accordingly, the applicant has produced a revised indicative layout plan which shows 34 properties. It is considered that this results in an acceptable layout in principle which respects the setting of the site, allows appropriate space for structural landscaping and site drainage and respects the privacy of existing residential properties. (Core Strategy Policy CS6)

6.2.14 Agricultural land: The western half of the site currently comprises agricultural land. However, it is considered unlikely to be of best and most versatile quality and the area of such land is not great. The site has limitations for modern farming due to the relatively steep slope and proximity of existing residential development. It is not considered that an objection on the grounds of effects to agricultural land could be sustained in these circumstances. (Core Strategy Policy CS17)

6.2.15 AONB: The proposals are located within the Shropshire Hills AONB which has a 'washover' designation affecting the whole town of Church Stretton. Section 115 of the NPPF advises that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and

scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas”. Section 116 goes on to advise that “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.

6.2.16 The proposals represent major development within the AONB, but have come forward as a proposed allocation in the Pre-Deposit Draft SAMDev in order to assist in providing essential housing for the community of Church Stretton. The area of the site has been carefully chosen in preference to other competing housing sites within the local area. The assessment of impacts referred to above lends support to the decision too put the site forward as an allocation, given the conclusion that there would be no unacceptably adverse environmental effects. Whilst the site would result in encroachment into existing countryside within the AONB the area is immediately adjacent to and would be seen within the context of the existing housing developments off Sandford Avenue. In view of this and given the recognised need for appropriate local housing provision and the associated social benefits it is considered that the policy tests for major development within the AONB are clearly met.

6.2.17 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 archaeological evaluation at the reserved matters stage. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. This includes any effects on the Conservation Area, AONB or mature trees within the site. The outline proposals therefore 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. No public footpaths would be affected. 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 Craven Arms Town Council has confirmed that it does not object to the scheme and has recognised the need for an appropriate housing mix to be delivered within the Town. 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 an identified need for this type of property. The proposals would fall within the level of housing provision referred to in the SAMDev. They would provide greater flexibility within the housing mix of Church Stretton and would contribute in turn to the social vitality of the community.
- 6.4.2 The proposed site is located close to key community facilities and would be linked to them by a pedestrian footpath. 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 level of social sustainability of the proposals. 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 as currently specified would involve the development of 34 dwellings for open-market occupation immediately adjacent to an existing residential area on the eastern side of Church Stretton. The site is allocated for up to 50 houses in the Pre-Deposit Draft SAMDev but the 34 dwellings now proposed is considered to represent a more acceptable and sustainable balance for the size and nature of the plot. The housing mix would meet an identified need for intermediate scale 2-3 bedroom family houses in Church Stretton.
- 7.2 It is considered that the proposals 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. Nor is it considered that there would be any unacceptably adverse impacts on the character of the the Conservation Area, the AONB, highways, ecology or other relevant environmental / amenity interests provided appropriate design measures are adhered to at the reserved matters stage.
- 7.3 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 and to confirm management provisions for the proposed private access road.

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 BACKGROUNDRelevant 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) The NPPF emphasizes 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.

- 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 ProvisionExisting 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....

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.

viii. S5.1: Church Stretton Area

Policy S5.1 of the Pre Deposit Draft SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects

opportunities within the town’s development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13. Particular care should be taken with the design and layout of development in accordance with Policy MD2.

11. 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;
2. Agreement on measures to secure management measures for private access road within the site.

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:

Drainage

- 4a. Construction of the development hereby permitted shall not be commenced until full details including a plan and calculations of the proposed sustainable drainage

system (SuDS) have been submitted to and approved by the Local Planning Authority prior to the approval commencement of any development under the terms of this permission.

- b. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope 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, for the disposal of surface water drainage from the development is undertaken in a sustainable manner.

5. A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's 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. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

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. *The scheme required by Condition 4a above should illustrate how the development will comply with the National Planning Policy Framework and the Technical*

Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme.

- iv. *Ordinary watercourses exist on the northern boundary and through the southern section of development. Informative: Any works within the watercourse requires Ordinary Watercourse Consent from Shropshire Council in accordance with the Land Drainage Act 1991. Works should not commence until consent has been granted by the Council.*
- v. *A Zone 1 Flood Risk Assessment (FRA) must be provided at the reserved matters stage, using Shropshire Council's Strategic Flood Risk Assessment (SFRA) documents for guidance. A FRA should include, as a minimum:*
 - *Assessment of the Fluvial flooding (from watercourses);*
 - *Surface water flooding (from overland flows originating from both inside and outside the development site); Groundwater flooding;*
 - *Flooding from artificial drainage systems (from a public sewerage system, for example);*
 - *Flooding due to infrastructure failure (from a blocked culvert, for example*
- iv. *Consent is required from the service provider to connect into the foul main sewer.*

Tree protection

- 6a. The approved measures for the protection of the trees as identified in the agreed tree protection plan (SA/MS/1003/Rev.A) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from the approved tree protection plan without the written agreement of the Planning Authority.
- b. The Shropshire Council Natural Environment team will be notified in writing when the Tree Protection measures have been established and no construction works will commence until a written letter is received by the applicant or their agent from the Planning Authority stating that the measures have been satisfactorily established.

Reason: To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development.

Note: All amendments' and modifications to the approved plans and particulars; or plans and particulars issued for the delivery of reserved matters; or establishment of services or special engineering measures that will require encroachment into the tree protection zone(s) identified in the approved tree protection plan will be supported by a supplementary arboricultural impact assessment and method

statement; and the proposed amendments' / works will not be enacted upon without the written approval of the Planning Authority.

7. Notwithstanding any details submitted on other approved plans and particulars, works or development shall not take place until a scheme of supervision for the arboricultural protection measures (tree protection plan) has been approved in writing by the local authority tree officer. This scheme will be appropriate to the scale and duration of the works and may include details of:
- i. induction and personnel awareness of arboricultural matters.
 - ii. identification of individual responsibilities and key personnel.
 - iii. statement of delegated powers.
 - iv. timing and methods of site visiting and record keeping, including updates.
 - v. procedures for dealing with variations and incidents.

Reason: To ensure satisfactory delivery of tree protection measures on site.

Landscaping:

- 8a. No development shall be commenced until full details of landscape works have been approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
- i. Planting plans;
 - ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and
 - iv. Implementation timetables.
- b. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved in writing by the Local Planning Authority.
- c. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. 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).

Archaeology:

10. Construction of the development hereby permitted shall not be commenced until an archaeological field evaluation has been submitted to and approved in writing by the Local Planning Authority. This shall be undertaken in accordance with a written scheme of investigation which has been agreed in writing with Shropshire Council's Historic Environment Section. The written scheme of investigation shall make appropriate provision for the carrying out of further investigation works in an agreed timescale in the event that the field evaluation identifies features which the Council's Historic Environment Section considers requires additional investigation.

Reason: To allow for appropriate recording of any archaeological remains which may be present within the site.

Note: A full written archaeological brief for this work can be provided by Shropshire Council's Historic Environment Team. A charge applies for this work. Further details are available on Shropshire Council's Historic Environment Team website

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

11. The dwellings hereby permitted consist of no more than two floors of living accommodation elsewhere within the site.

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. 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.*
- vi. An independent 32 amp radial circuit isolation switch should 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. Paragraph 35 of the NPPF states in this respect that "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 Government's 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.



Committee and date

South Planning Committee

24 June 2014

Item

14

Public

Development Management Report

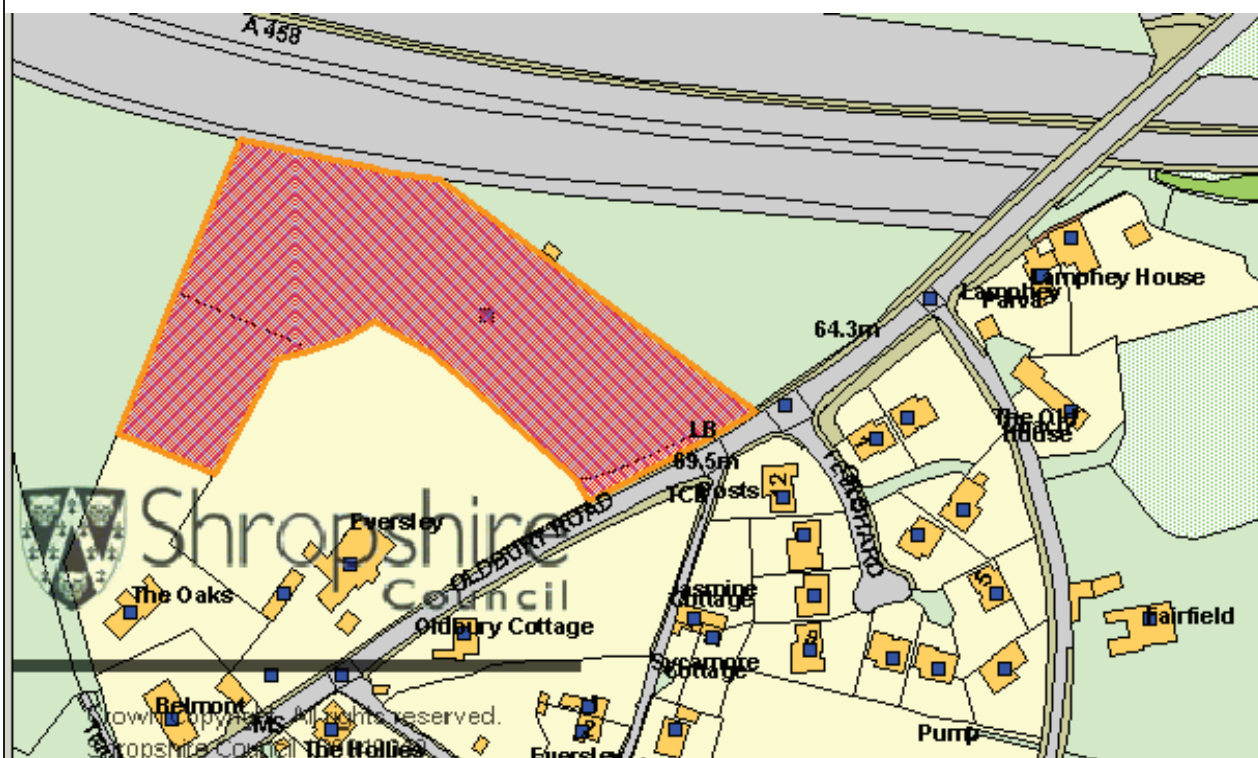
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/01016/OUT	Parish:	Bridgnorth Town Council
Proposal: Outline application (access for approval) for mixed residential development		
Site Address: Land Off Oldbury Road Bridgnorth Shropshire		
Applicant: P Woodall & I Bissell		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 371317 - 292207



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Recommendation:- Grant Permission as a departure and subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant on site affordable housing provision and/or the relevant affordable housing contribution at the time of the Reserved Matters application.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to outline consent for residential development of the site to include means of access off Oldbury Road. A single access point is proposed off Oldbury Road, from which the drawing in the Transport Assessment shows a 2.4 x 60m visibility splay in a south westerly direction and a 2.4 x 64m visibility splay in a north easterly direction. No illustrative site layout has been provided to support this outline application and the proposed number of dwelling units is not specified in the description of development. The application form suggests the site could be suitable for seven open market houses, which would be a low density development. However the actual number of units in this case would be a matter for consideration at the reserved matters stage in the event of outline planning permission being granted.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is approximately 1 hectare of rough grazing land situated to the South of Bridgnorth and on the edge of the village of Oldbury. The site is separated from Bridgnorth by the A458 bypass to the North. The site is 'L' shaped with the southern boundary wrapping around the northern side of the grounds to a property known as 'Eversley'.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council has submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Principal Planning Officer agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Bridgnorth Town Council** – OBJECTS: Members discussed the application at length and also took into account the comments already uploaded to the Shropshire Council planning portal. Two Members had attended a community meeting the previous Friday where they heard many residents raise objections to the plans. Members were told that this application had been put forward on the basis of the National Planning Policy Framework's presumption in favour of Sustainable Development and also in light of the fact that Shropshire has less than a 5 year supply of available housing land. It was however stated to be contrary to Shropshire's adopted Core Policy CS5 in that it is building in the countryside.

Therefore, apart from site specific issues there is a general issue about whether or not this is a sustainable place to build. It was also stated that the SAMDev process undertaken by Shropshire Council did look at the site and got part way through the process before they reached a conclusion that the overall sustainability of this site was poor and it therefore did not go through to the final short list of sites to be selected for development. Shropshire Council had apparently also reached the same conclusion for other sites around Oldbury and residents at the meeting last Friday had expressed concern that if development should be allowed on this site, it could potentially be allowed on others too. Other issues raised by Members relating to sustainability were access to public transport and schools, effect on landscape, wildlife, heritage assets and the conservation area. Members in conclusion resolved to recommend refusal on the grounds that this is a greenfield site and is on the edge of a conservation area.

4.1.2 **SC Archeology (Historic Environment):** No comments to make on this application with respect to archaeological matters.

4.1.3 **SC Conservation (Historic Environment):**

Background to recommendation:

The application site lies to the edge of Oldbury within open countryside. The site lies predominantly adjacent to the Oldbury Conservation Area, with a small portion along Oldbury Road lying just within the Conservation Area. When travelling through Oldbury from the south the village is characterised by large houses in large plots, interspersed with open views over the surrounding countryside, giving it a semi-rural character. Towards the north eastern end of the village, development becomes slightly more tightly spaced to the south east of Oldbury Road but still with parcels of open land. To the north east of Oldbury Road development remains sparse with houses on large plots and parcels of undeveloped agricultural land. The application site is bounded by mature hedging and trees which contribute to the character of this part of the conservation area.

Principles of Scheme:

The proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012.

Details:

The application proposes a mixed residential development on this site to the edge of the village of Oldbury. The application is in outline so consideration is only given to the principle of development on this site. It is considered that the rural nature of this site at the north eastern entrance to the village contributes to the character of the village and the conservation area, as do the mature trees and hedgerow that run along the boundary with Oldbury Road. It is considered that the loss of this rural character would have some detrimental impact on the character of the Conservation Area and would alter the character of this part of the village.

Recommendation:

The application is not wholly supported from a conservation perspective.

Suggested Conditions:

If the application is deemed acceptable any reserved matters application should address the impact of the development on the conservation area and designated and non designated heritage assets.

- 4.1.4 **SC Highways DC:** No objection in principle to the residential development at the proposed location. It is considered that the proposed development is located within reasonable close proximity to Bridgnorth Town Centre, with direct access on to the B4363. The submitted Highway, Drainage and Flood Risk Assessment, makes reference to the required visibility splay, in accordance with Manual for Streets, it is considered that the proposed visibility splays as shown on the submitted Proposed Block Plan (Drawing no. 3907/03) are acceptable in view of the posted speed limit and surrounding conditions.
- 4.1.5 **SC Drainage:** Suggests drainage details, plan and calculations to be conditioned and submitted for approval at the reserved matters stage.
- 4.1.6 **SC Affordable Houses:** 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.
- 4.1.7 **SC Ecologist:** Has read the supporting documents including the Phase 1 Environmental Survey by Greenscape Environment dated February 2014 and the update dated May 2014.

Badgers

Greenscape Environmental (May 2014) report now that there is no evidence of a badger sett or activity on the site or near the site. No mitigation is needed for badgers.

Bats

The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds and recommends a condition and informative.

4.1.8 SC Trees:

11.0414: Notes that it is stated on the application form that there are no trees or hedges on the site or adjacent the site that could influence the proposed development, or that might be important as part of the local landscape character. However, the reality is that several of the boundaries are composed of, or near to, established and mature trees and / or hedges. The trees and hedge forming the road front boundary of the site with Oldbury Road are protected by virtue of being located within a conservation area, the north-eastern site boundary forms the edge of an area Tree Preservation Order (ref: BR/TPO/05) and trees close to other parts of the site are protected by TPO ref: SC/00059/11.

The Amended Planning Statement (registered 17th March 2014) states in Section 5.6.1 that the proposal 'seeks to retain existing boundary trees and hedges and to provide additional planting along the boundaries within the site.' However, the submitted proposed block plan (WDW project 3907, drawing 3) suggests that a substantial visibility splay totalling some 124m is required either side of the proposed access off Oldbury Road. No arboricultural information has been submitted with the application, but the implication is that tree and hedge clearance will be required to create the visibility splay.

There thus appears to be a contradiction in the applicant's stated desire to retain existing trees and hedges and the need to create a visibility splay. Given that the application includes access for approval considers that insufficient information has been provided regarding the arboricultural constraints upon the proposed development and the arboricultural implications of it. In order to allow a proper assessment of the impact on trees and hedges, which are a material consideration and important component in the character of the conservation area, recommends the following information should be provided prior to determination of this application:

1. A survey including all trees and hedges in and adjacent the site that could potentially be affected by, or affect, the proposed development.
2. A tree constraints plan to show the restrictions posed by retained trees and hedges, bearing in mind their ultimate height, spread and requirements for suitable rooting area (accounting for existing and proposed site levels and other potential impediments to rooting).
3. An arboricultural impact assessment, outlining the impact of the proposed development on trees and hedges within and adjacent the site (including any new planting that may be associated with the development).

Items 1 to 3 above should be prepared by a competent arborist, in accordance with British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction.

If this information is not provided recommends refusal of the application as it currently stands, on the grounds of insufficient information.

21.05.14: There are several boundary hedgerows and trees, some of which are protected under a Tree Preservation Order and some by virtue of being located within a conservation area. Considers that the majority of these trees and hedges, being located around the periphery of the site, could be retained and afforded appropriate protection so as to avoid damage during any future development. Care would be required in site layout and design with regard to the numerous offsite trees and tall hedges, to take account of their ultimate, mature height and spread and the affect this could have on liveability issues such as shading and overbearing presence for future occupants. Such considerations are vital in ultimately achieving a successful, sustainable development.

The main arboricultural issue in deciding the outline principle of development at the site is the belt of trees and hedgerow that forms the frontage with Oldbury Road. In this respect notes that the Amended Planning Statement (registered 17th March 2014) states in Section 5.6.1 that the proposal seeks to retain existing boundary trees and hedges and to provide additional planting along the boundaries within the site. However, contrary to this statement, the submitted proposed block plan (WDW project 3907, drawing 3) suggests that a substantial visibility splay totalling some 124m is required either side of the proposed access off Oldbury Road. Further, the recommended condition E15 in the consultation response from Shropshire Councils Highways team, dated 19th May 2014, states that the sightlines shall be kept free of obstruction at all times. The implication is that tree and hedge clearance will be required to create the visibility splay and that no existing trees or hedge will be permitted to remain within it.

This contradicts the findings of the arboricultural report (Sylvan Resources Ltd, May 2014) that has been provided following my previous consultation response. The arboricultural impact assessment (Section 6.1) provides details of the trees to be felled to accommodate the visibility splay. It suggests that the following trees are to be retained: T26 (4-stemmed yew, 6m high), which is on the south-west side of the proposed access; T38 (larch, 10m high), T39 (pine, 13m high) and T40 (sycamore, 10m high) all of which are to the north-east of the proposed access. The question arises are all the trees and hedge to be removed for the visibility splay, or can some of them be retained as suggested in the arboricultural report? Given that this outline application includes access for approval, considers that this discrepancy should be clarified, in order that the aboricultural implications for this road front strip of trees and hedgerow can be clearly understood and evaluated, prior to determination.

22.05.14: Within the revised tree report section 6.1, below the table of trees to be removed, has been amended to more clearly state that the hedge, specifically 'the remnants of a holly and hawthorn hedge' within the visibility splay is to be removed, with post-development replanting and additional planting of native trees and shrubs. However, the schedule of trees to be removed and the plans have not been altered in respect of trees to remain along the road frontage. Therefore it is clearly the intention to retain trees T26 (4-stemmed yew, 6m high), which is on the south-west side of the proposed access; T38 (larch, 10m high), T39 (pine, 13m high) and T40 (sycamore, 10m high) all of which are to the north-east of the proposed access. Considers that in time the hedgerow could be relatively easily recreated by suitable replacement planting and enhanced with appropriate

standard sized trees. This design detail could be conditioned to any approval for the current application. There remains, however, a question as to feasibility of achieving the visibility splay, where it passes in front of the property named 'Eversley' to the south-west of the proposed access and also in front of the adjoining land beyond the site boundary to the north-east. Aside from the question of ownership of the vegetation in these parts of the visibility splay, there are offsite, mature, protected trees in the vicinity of both these locations and would want assurance that any clearance of the vegetation in the vicinity (specifically within the Root Protection Area) of these protected trees would be undertaken in such a way as not to cause damage or harm to the trees or their roots. (Damage may arise, for example, through the inappropriate use of systemic herbicides or excavations or alterations of ground levels). Subject to satisfactory assurance on the above point and on balance, considers that the existing belt of trees and hedgerow within the visibility splay are not of sufficient individual or collective merit as to warrant objection to the application on arboricultural grounds.

23.05.14: Confirms that the amended version of the tree report satisfactorily addresses previous concern as to the method of removal of the roadside hedge, so as not to damage adjacent protected and other retained trees. Leaves the question of ownership of the hedge to be removed where it passes in front of adjacent land and property (ie outside the site boundary) to others in a position to address this issue.

- Public Comments

4.1.9 40 letters of objection received from local residents and a letter from the Civic Society with the concerns summarised as follows:

- The village and rural aspect will be changed.as the development would impact on the heritage of the village, the conservation area and the adjacent house (Eversley)
- The village would lose its identity and become part of Bridgnorth.
- It would impact on tourism to Bridgnorth which is a major source of income to many within the town.
- The site would be prominent in the landscape and blight the views from High Town
- The site is a lovely field with a gently sloping hill and the enjoyment of the view from the road and from the field/well used public footpath to the rear will be affected.
- Many protected species including badgers and bats live within the field and the wooden horse shelter and sheds and is a potential site for newts due to a natural pond within 250 metres of the site - development would cause destruction of this habitat.

- The area offers an enormous variety of habitats, and Jays, Buzzards, Owls, Bats and Foxes are seen in the area, which are all indicative of a huge diversity of other small mammals, amphibians and wildlife.
- Part of the site, including hedgerow and trees falls within the Conservation area, and the proposed visibility splay for access to the site will require cutting back established mature hedges and trees which are not part of the site and not owned by the proposers.
- The applicant does not own the proposed access and visibility splays so the Certificate of Ownership is partly untrue and it therefore follows that the Q.26 Declaration is also untrue and inaccurate.
- The access from this site onto Oldbury Road would be very dangerous as traffic currently travelling on the road generally exceeds the speed limit and by positioning the access on a blind bend there would obviously be an increase in the potential for accidents at this point.
- The roads and lack of pavements through the village are unsuitable for an increase in traffic and additional traffic will result in congestion and affect pedestrian safety.
- Does not consider that the pedestrian pathway along the road a safe route for pedestrians including children walking to school, as it is barely wide enough in places for 1 person.
- The nearest schools are well over 500 metres from the site and there is no easy access to them by car or on foot.
- The highways agency have not been consulted
- There are no bus routes through Oldbury which is not serviced by public transport and the nearest bus stops for the 125 and 297 bus routes are more than 500 metres from the site.
- The site is c.1 mile from the town centre.
- The footpaths identified on the proposed site plan are not correct and the "existing well-used footpath" shown adjacent to the site is not a legal right of way.
- The site would be reliant on private vehicles for transport, which is not sustainable.
- Numerous businesses sighted as employment opportunities have closed.
- It would set a precedent for other developments.
- The ground is 'made ground' from the construction of the bypass and not

suitable for construction - clay, siltstone and mudstone excavated from the nearby cutting for the bypass when it was built were dumped on the site to a depth of around 5 metres.

- The site was not identified as a housing development site in the local plan due to not scoring high enough on sustainability criteria.
- The site is not included for housing in the SAMdev list of sites and the site lies outside the development boundary for Bridgnorth.
- SAMDev shows a surplus of land for some 400 new homes beyond that identified as needed for the Bridgnorth area. SAMDev also shows the biggest proportional increase in land allocated for new housing for Bridgnorth compared to the rest of the county.
- There are numerous houses for sale in Oldbury Village so questions the need for further development in the area.
- This site (BRID027) was considered at an early stage of developing SAMDev and overall sustainability of the site was judged to be poor. More detailed assessment in Stage 2b highlighted the fact that the site is not considered well related to town and suffers from a poor quality access and difficult topography and that development has the potential to generate adverse impacts on the setting of the Conservation Area and protected trees. Allocation was considered inappropriate given that better alternative sites are available.
- CS5 prevents development on sites situated within open countryside and labelling this location as sustainable does not override the findings of the policy.
- The proposal states the indicative density of the development is considered sympathetic to the locality, however no details on the density are given and in the conclusion the allowance to serve adjacent residential land is discussed.
- There is a concern about the potential for a large development on this site and adjacent sites rather than the 7 houses mentioned in the statement.

5.0 THE MAIN ISSUES

Principle of development

Assessment of sustainability

Impact on character of conservation area and landscape/ visual impact

Highways

Others material considerations

- Trees

- Ecology

- Impact on residential amenity

- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that *'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*

6.1.2 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development.'

and that

'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.'

Paragraph 14 of the NPPF is also relevant and highlights that for decision taking this means:

'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.'

6.1.3 The adopted planning policy for the area is the Bridgnorth District Local Plan (1996 – 2011) but the site is outside the development boundary on the proposals inset map and is therefore classed as countryside. Shropshire Council has an adopted Core Strategy and Bridgnorth is identified as a market town within policy CS3 (Market Towns and Other Key Centres) which outlines that balanced housing and employment development, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure, will take place within the towns' development boundaries and on sites allocated for development. CS3 also states that the detailed scale of development in each market town will be determined through the process of preparing the SAMDev DPD. SAMDev is at the 'Pre-Submission Draft Plan (or Final Plan) stage' and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be*

- given); and*

 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.1.4 The SAMDev pre-submission draft plan indicates a development boundary for Bridgnorth and allocated housing sites and as the proposed site is not included as an allocated site and is outside the suggested development boundary, allowing this proposal would be contrary to the emerging SAMDev DPD. However in the absence of a five year land supply a ‘presumption in favour of sustainable development’ and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 **Assessment of sustainability**

6.2.1 The site is approximately half a mile from Bridgnorth which has a wealth of facilities, services and employment opportunities as would be expected in any large market town. Bridgnorth is accessible by foot or by cycle and there is a regular bus service including the 125 which provides an hourly service to Stourbridge and Bridgnorth (bus stop adjacent Kings Loade Junction) and the 297 that provides an hourly service to High Town. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.

6.2.2 However ‘sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is ‘about positive growth – making economic, environmental and social progress for this and future generations’. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*

- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

- 6.2.3 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Bridgnorth. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.2.4 Social role - The proposal will help boost the supply of open market housing and will provide affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations
- 6.2.5 Environmental role – The site is agricultural land with no heritage, cultural or ecological designation. The application site has been assessed for its heritage, cultural and ecological value by the Council's Historic Environment Officers and Ecology and Tree officers and these matters are considered in greater detail below. In principle it has been determined that the proposal would have no significant adverse impacts on these values. Officers consider that the impact of the proposal on the landscape and adjacent Conservation area would not be significant and as such would not outweigh the benefits of the proposal. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Bridgnorth.
- 6.2.6 The site was not progressed as an allocated site within SAMDev partly because it was considered inappropriate given that better alternative sites were available. However due to the lack of a 5 year land supply and the need to boost housing numbers just because there may be sites that score higher on sustainability grounds does not mean that the site should be rejected at the planning application stage. Officers consider that the proposed development is sustainable having regard to the three dimensions of sustainable development and that the development of this site outside the proposed development boundary identified within the Draft SAMDev is acceptable in principle subject to a satisfactory scale and design, and should be supported provided there are no adverse impacts that would outweigh the benefits.

6.3 **Impact on character of conservation area and landscape / visual impact**

- 6.3.1 The site is approximately 1 hectare of rough agricultural grazing land situated to the South of Bridgnorth and on the edge of the village of Oldbury within open countryside. It is adjacent to the Oldbury Conservation Area, with a small portion along Oldbury Road lying just within the Conservation Area. The Conservation

Officer considers that the mature trees and hedgerow that run along the boundary with Oldbury Road and the rural nature of this site at the north eastern entrance to Oldbury contributes to the character of the village and the conservation area, and that the loss of this rural character would have some detrimental impact on the appearance of the Conservation Area. Although the proposal would result in the loss of some hedgerow and trees the Councils Arboriculturalist considers that the existing belt of trees and hedgerow within the access and visibility splay are not of any individual or collective merit and that the hedgerow could easily be recreated by suitable replacement planting and enhanced with appropriate standard sized trees. Whilst it is acknowledged that the proposal would result in the loss of an agricultural field and the semi-rural nature of the edge of Oldbury it is considered that this would not result in significant demonstrable harm to the character and appearance of the Conservation area and wider landscape. The majority of the site frontage is opposite the modern development of 'Fells Orchard' that does not contribute to the character and appearance of the Conservation area and it is considered that an appropriately designed scheme could be achieved (to be considered at the Reserved Matters stage) that would reflect the local vernacular in terms of scale, details and materials and provide an attractive and interesting frontage to Oldbury Road that would compliment the existing street scene. It is not considered that the loss of this field and the provision of housing would have a significant adverse impact on the character and appearance of the landscape and adjacent conservation area that would outweigh the benefits of the proposal.

6.4 Highways

- 6.4.1 The application is outline only but includes means of access. Highways have no objection to the proposed access and consider that the proposed visibility splays indicated on the submitted plan are acceptable in view of the posted speed limit and surrounding conditions. The planning conditions suggested regarding full details being submitted for approval and the sight lines being kept free of any obstruction can be imposed. Subject to these conditions it is considered that the proposal would not result in any adverse highway safety implications.

6.5 Others material considerations

- 6.5.1 **Trees** – The Councils Arboriculturalist confirms that there are several boundary hedgerows and trees, some of which are protected under a Tree Preservation Order and some by virtue of being located within a conservation area and requested additional information regarding their protection and retention. On receipt of updated arboricultural reports considers that the majority of these trees and hedges, being located around the periphery of the site, could be retained and afforded appropriate protection so as to avoid damage during any future development. At the Reserved Matters stage care will be required in the site layout and design to take account of the ultimate, mature height and spread of the numerous offsite trees and tall hedges and the affect they could have on liveability issues such as shading and overbearing presence for future occupants. Full landscaping details, site layout and tree protection measures will be further considered at the Reserved Matters stage. Access to the site has however been included as part of this outline application and initially it was unclear which trees or hedges would be required to be removed to enable adequate visibility splays to be

provided for the proposed new access onto Oldbury Road. The revised tree report now clarifies this and although the proposal would result in the loss of some of the roadside hedge and trees the Councils Arboriculturalist considers that the existing belt of trees and hedgerow within the visibility splay are not of sufficient individual or collective merit as to warrant objection to the application on arboricultural grounds. The revised report also includes details of the proposed method of removal and the Councils Arboriculturalist has confirmed that this would not damage adjacent protected and other trees to be retained. He also considers that in time the hedgerow could be relatively easily recreated by suitable replacement planting and enhanced with appropriate standard sized trees. Replacement hedge and tree planting and full tree protection measures will be secured at the Reserved Matters stage.

6.5.2 **Ecology** – A Phase 1 Environmental Survey by Greenscape Environment dated February 2014 and updated May 2014 has been submitted with the application. This confirms that there is no evidence of protected species on the site such as badgers, bats or newts and that the site is considered to be of low ecological value with no BAP species present. The surrounding trees and hedgerows on site are however likely to be used for bat foraging and commuting, and by nesting birds and the conditions and informatives suggested by the Ecologist can be imposed. The proposal will therefore not cause an offence under the Conservation of Habitats and Species Regulations.

6.5.3 **Impact on residential amenity** – Core strategy Policy CS6 (Sustainable Design and Development Principles) indicates that development should safeguard residential amenity. The nearest property to the site boundary is number 12 'Fells Orchard' to the South East and on the opposite side of Oldbury Road. The only property that shares a boundary with the site is 'Eversley' to the South West. Due to the distance from these and other properties it is unlikely that the proposal would have any adverse impact and this will be fully considered at the Reserved Matters stage. Some residents have raised concern about land ownership at the access point but the agent has provided a registered title plan which shows no third party land ownership and that the applicant has an unencumbered interest in the application site. However land ownership is a civil matter and not relevant to the determination of a planning application.

6.5.4 **Drainage** – The submitted drainage report and FRA indicates that the site is not at risk of flooding and that surface water can be dealt with via soakaways and foul drainage to the Public Sewer or a foul treatment plant could be considered with discharge to soakaway. The Councils drainage engineer has no objection to the proposal and has commented that the detailed drainage proposals can be submitted at the reserved Matters stage and conditions and informatives can be imposed regarding this.

7.0 **CONCLUSION**

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle in the context of the guidance set out in the National Planning Policy Framework. In order to refuse the

application there would need to be serious demonstrable harm that would outweigh the benefit of boosting the housing supply. Whilst it is acknowledged that the proposal would result in the loss of an agricultural field and the semi-rural nature of the edge of Oldbury it is considered that this would not result in significant demonstrable harm to the character and appearance of the Conservation area and wider landscape that would outweigh the benefits. Full details of the layout, scale, appearance and landscaping of the scheme are reserved for later approval and it is considered that an appropriately designed scheme that would reflect the local vernacular in terms of scale, design, details and materials could be achieved that would provide an attractive and interesting frontage to Oldbury Road that would compliment the existing street scene. The proposal would have no adverse highway or ecological implications subject to the imposition of the recommended conditions. Although the proposal would result in the loss of some of the roadside hedge the Councils Arboriculturalist considers that the existing belt of trees and hedgerow within the visibility splay are not of sufficient individual or collective merit as to warrant objection to the application on arboricultural grounds and that the proposed method of removal would not damage adjacent protected and other retained trees. Replacement planting and full tree protection measures will be secured at the Reserved Matters stage. Any open space provision and on site affordable housing will also be decided at the reserved matters stage and will be secured by a S106 agreement. It is considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF and it is recommended that members support this application and grant planning permission in line with clear guidance within the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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:

CS3 The Market Towns and other Key Centres
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
D6 Access and Parking
S1 Development Boundaries

SPD on the Type and Affordability of Housing

List of Background Papers: File 14/01016/OUT
Planning Statement/Design and Access Statement
Highways, Drainage and Flood Risk Assessment
Ecology Reports
Tree Reports

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member(s)

Cllr John Hurst-Knight

Cllr Les Winwood

Appendices

APPENDIX 1 - Conditions

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

1. Details of the scale, appearance, layout and landscaping (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 2(1) of the Town and Country Planning (Development Management Procedure) Order 2010 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. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

5. The application for reserved matters should be accompanied by a full design rationale for the development of the site, taking into consideration the setting of the Conservation Area.

Reason: To ensure that the development would have no adverse impact on the setting of the adjacent conservation area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. As part of the first application for reserved matters and prior to the commencement of development full details of the means of access, including the layout, construction and sightlines shall be submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

7. As part of the first application for reserved matters a contoured plan of the finished road levels shall be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's 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.

8. On the Pluvial Flood Map, the site is at risk of surface water flooding. As part of the first application for Reserved matters full details on how the surface water runoff will be managed and how the flow of the flood water will be routed away from properties and will not cause loading of any property either within the proposed development or any other in the vicinity and to ensure that the finished floor levels are set above any known flood level, shall be submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To minimise the risk of surface water flooding.

9. 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.

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

10. If non permeable surfacing is used on the new access road, driveway and parking areas and/or the access road slopes toward the highway, full details of a drainage system to intercept water prior to flowing on to the public highway shall be submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

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

11. Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification), fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved plan and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

12. 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.

13. Prior to the first occupation of the dwellings details of two woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

14. 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
 - Not at any time on Sundays, bank or public holidays.

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

Informatives

1. 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.
2. To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner, as part of the SuDS, the applicant should consider employing measures such as the following:
 - Water Butts
 - Rainwater harvesting system
 - Permeable surfacing on any new access road, driveway, parking area/ paved area
 - Attenuation
 - Greywater recycling system
 - Green roofs

3. 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.
4. 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.
5. 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.

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<u>Committee and date</u>
South Planning Committee
24 June 2014

<u>Item</u>
15
Public

**SCHEDULE OF APPEALS AND APPEAL DECISION
As at Committee 24th June 2014**

LPA reference	13/03126/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Hallmark Power Ltd
Proposal	Erection of two wind turbines (45m overall height); associated infrastructure and access track
Location	Proposed Wind Turbines North Of Sidnall Farm Middleton Priors Bridgnorth Shropshire
Date of appeal	15.5.14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/02509/VAR
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mrs Sheila Eyre
Proposal	Variation of Condition 2 of planning permission No. SS/1/08/21268/F so as to permit dwelling as built, i.e. omitting sedum roof included on approved drawings
Location	Robins Lye, Batch Valley, All Stretton
Date of appeal	23.01.2014
Appeal method	Written Reps
Date site visit	04.04.2014
Date of appeal decision	15.05.2014
Costs awarded	
Appeal decision	Appeal Allowed

LPA reference	13/03374/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr B Bromley
Proposal	Erection of one dwelling with parking area (outline application with all matters reserved)
Location	Hawkstone, Hazler Crescent, Church Stretton Shropshire
Date of appeal	23.01.2014
Appeal method	Written Reps
Date site visit	14.05.2014
Date of appeal decision	23.05.2014
Costs awarded	
Appeal decision	Appeal Dismissed

LPA reference	13/04524/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Leslie Fairclough
Proposal	Change of use from agricultural building to residential dwelling
Location	Cramp Pool Farm Coppice Green Lane Shifnal Shropshire TF11 8PE
Date of appeal	21.5.14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/02194/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	David Mottershead
Proposal	Erection of one wind turbine with with 60m hub and 86.5m tip height.
Location	The Hills The Down Bridgnorth WV16 6UB
Date of appeal	22.5.14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/01697/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Roberts
Proposal	Outline application for erection of a single dwelling with detached garage
Location	Land at Clun Road, Site 2 Oak Fields, Craven Arms, SY7 9AB
Date of appeal	09.12.13
Appeal method	Written Reps
Date site visit	
Date of appeal decision	04.06.14
Costs awarded	
Appeal decision	Dismissed

LPA reference	13/05029/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr James Masters
Proposal	Works to facilitate the erection of a single storey extension
Location	Little Hobarris Barn, Hobarris, Bucknell. Shropshire SY7 0BX
Date of appeal	05.06.14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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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: 15 May 2014

Appeal Ref: APP/L3245/A/14/2211508

Robins Lye, Batch Valley, All Stretton, Shropshire, SY6 6JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs S A Eyre against the decision of Shropshire Council.
 - The application Ref 13/02509/VAR, dated 24 June 2013, was refused by notice dated 10 September 2013.
 - The application sought planning permission for the erection of a replacement dwelling without complying with a condition attached to planning permission Ref 1/08/21268/F, dated 16 December 2008.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications, unless any minor amendments are approved in writing by the Local Planning Authority.*
 - The reason given for the condition is: *To ensure a satisfactory standard of development and to preserve the visual amenities of the area in accordance with Policies E1 and E8 of the adopted South Shropshire Local Plan.*
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement dwelling at Robins Lye, Batch Valley, All Stretton, Shropshire, SY6 6JW in accordance with application Ref 13/02509/VAR, dated 24 June 2013, without compliance with condition number 2 previously imposed on planning permission Ref 1/08/21268/F, dated 16 December 2008 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order with or without modification, no alterations, including the insertion of PV panels, shall be made to the roof other than those expressly authorized by this permission, and nor shall its colour be altered.

Preliminary matters

2. The planning permission granted in 2008 for a replacement dwelling has been implemented and the building is substantially complete and was occupied when I visited. However, in building the new dwelling the appellant departed from
-

the approved plans and specification for the roof. The appellant, in effect, seeks to retain the as-built roof, and I shall proceed on this basis.

3. The site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
4. The Council's sole reason for refusal does not contain a reference to a development plan policy. However, the officer report on the application mentions two policies, CS6 & CS17 of Shropshire's Adopted Core Strategy. Their provisions include requirements that the natural environment and the AONB should be protected from inappropriate development, and both are therefore relevant in the particular circumstances of this case.

The main issue

5. The main issue is the effect of the changes in roof specification on the landscape and scenic beauty of the AONB.

Reasons

6. The replacement dwelling has an isolated location within the folds of the Longmynd. It is designed in a modern idiom, being single storey, rectangular with a flat roof, punctured by a timber clad vertical feature. The property is extensively glazed, with timber cladding being the other prominent external material.
7. Most of the flat roof was to be covered with sedum planting, with PV panels running along one of the roof's longer edges and solar hot water panels inserted within the roof's vertical feature. Having taken technical advice during the construction period, the appellant relocated some PV panels to take maximum advantage of the sun's rays, and the hot water panels have not been inserted. The sedum planting has not taken place, so that the current roof finish is comprised of lead-grey coloured panels.
8. The changes to the roof are not apparent from the lower levels of the Batch Valley, but are clearly seen from the public footpaths on the adjacent slopes.
9. In my view, it is the unexpected presence and visual impact of a dwelling in such an isolated location that catches the eye from above, rather than a specific component of it. The dwelling, with its neatly trimmed hedges and largely lawned curtilage, together with the shed to the rear, give an over-riding impression of domestication in an otherwise natural landscape. The roof, in itself, does not stand out since the dullness of its lead-grey finish tones its visual impact down, and the revised position of the PV panels does not render them particularly more noticeable than if they had been located to accord with the approved plans.
10. Accordingly, I share the thrust of the views expressed by Council officers on the visual impact of the changes. They advised that the application be granted permission, but members did not accept the recommendation.

11. I conclude that what has been built has had no material impact on the landscape and scenic beauty of the AONB, especially when compared with that approved. Accordingly, there is no conflict with those provisions of policies CS6 & CS17 of Shropshire's Adopted Core Strategy requiring the natural environment and the AONB to be protected from inappropriate development.

Conditions

12. The conditions imposed on the original permission in so far as they are still subsisting and are capable of taking effect are re-imposed for the same reasons as cited in the original permission.
13. The Council has suggested another condition, which shall be imposed in a different form especially since the appellant has signalled an intention that she may add further PV panels. The condition is imposed to ensure that no further changes are made to the roof without the prior permission of the Council, in the interests of protecting visual amenity.

Other matters

14. I have carefully considered the views expressed on behalf of the Church Stretton Town Council and the Strettons Civic Society not least because the organizations represent local people who enjoy the Longmynd for its intrinsic beauty. For the reasons already provided, I hold a different opinion to both organizations on the visual effects of the changes made, but I note the concern expressed that to permit the changes, contrary to the originally imposed condition, would '*send out the wrong message*'. Whilst I understand the basis for this concern the appeal must be determined on its merits, which I have done, as required.
15. The views of a local resident walker have also been noted and taken into account, as have the contents of the minutes of the Planning Committee at which the application was determined.
16. 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.
17. All other matters raised in the representations have been considered, including the description provided of the previous dwelling on the site and the assessment of its visual impact, but none is of such strength or significance as to outweigh the considerations that led me to my conclusion.

G Powys Jones

INSPECTOR

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Appeal Decision

Site visit made on 14 May 2014

by **K E Down MA(Oxon) MSc MRTPI MSB**

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

Decision date: 23 May 2014

Appeal Ref: APP/L3245/A/14/2212759

Hawkstone, Hazler Crescent, Church Stretton, Shropshire, SY6 7AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Bromley against the decision of Shropshire Council.
 - The application Ref 13/03374/OUT, dated 18 July 2013, was refused by notice dated 18 November 2013.
 - The development proposed is erection of 3 bed house with parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed dwelling on the character and appearance of the appeal site, Hazler Crescent and the surrounding area, including the Church Stretton Conservation Area.

Reasons

3. The appeal is made in outline with all matters other than access reserved. One off street parking space is shown on the frontage. Indicative plans show a three bedroom two storey dwelling.
4. The appeal site, which currently forms the large side garden at Hawkstone, occupies a prominent location in Hazler Crescent between Hawkstone and its neighbour to the south west, Tanat. There is currently a sectional double garage on the site which would be demolished.
5. Hazler Crescent lies within the Church Stretton Conservation Area (CA). Although there are properties of various ages and designs the street is characterised most strongly by older, two and three storey, detached dwellings which are architecturally pleasing and retain original period details. Most are set on generous plots with off street parking to the side or rear. Several are on smaller, narrower plots, including Somerford and Inglesant, which are close to the appeal site. However, these are of a similar elegant appearance, set behind neat frontages. Overall the predominant impression is of an established, spacious and well landscaped street.

6. Hawkstone and its north easterly neighbour, Derwen are architecturally simpler, set close together and close to Somerford. They have a more cramped appearance and this, together with their plainer design, sets them apart from the nearby dwellings. The appeal site provides a clear break between this denser layout and the rest of the street, limiting its effect and providing relief. Although the appeal site is occupied by an unattractive garage this is of restricted height and well separated from Hawkstone, ensuring that the overriding impression is of a gap in the built up frontage and openness above and to the side of the low garage building.
7. The Church Stretton Town Design Statement (DS), which was prepared on behalf of Church Stretton Town Council and approved by the former South Shropshire District Council in 2007, does not appear to have the status of adopted supplementary planning guidance. Nevertheless, it is a material consideration and was subject to consultation during its preparation. In consequence, I afford it reasonable weight. The DS sets out guidelines for new development, including that infill and building in gardens should respect the character and appearance of the area. It goes on to state that new development should respect, maintain and enhance local distinctiveness and character and be of an appropriate scale. With specific reference to Hazler Road, Hazler Crescent and the immediate area the DS advises that development should generally reflect the style of the earlier houses and should harmonise in terms of scale and materials. Density should be appropriate to the area and allow adequate space for landscaping.
8. The indicative plans show that a dwelling not dissimilar in scale and appearance to Hawkstone and Derwen could be accommodated on the plot and would be at a similar density. However, these dwellings do not themselves reflect the prevailing character or appearance of the area in terms of design, scale, layout or density. An additional narrow dwelling on the appeal site would thus not only be out of keeping with the predominant character of the area but would extend the short run of higher density development, to the detriment of the street scene. Although plot sizes are variable in Hazler Crescent the appeal site, owing to its limited width, noticeably less than at Hawkstone, would appear particularly constrained. In addition, the proposed off street parking on the frontage, which is considered necessary by the Highway Authority, would be inconsistent with the prevailing pattern of off street parking provision and would limit the opportunities for landscaping to the front of the dwelling, emphasising the contrast between it and the majority of houses in their well vegetated plots.
9. The appellant suggests that the redevelopment of the appeal site would result in a positive benefit to the CA. However, whilst the removal of the existing double garage might lead to an enhancement, the subsequent infilling of the plot with a much larger structure which would erode the gap between Hawkstone and Tanat and reduce the openness around the existing garage would cause demonstrable harm to the area and would fail to preserve or enhance the character or appearance of the Church Stretton CA, a designated heritage asset.
10. The National Planning Policy Framework (NPPF) states that where a proposal would lead to less than substantial harm to a designated heritage asset, which I consider would be the case, the harm should be weighed against the public benefits of the proposal. There is no dispute between the parties that at present

the Council does not have a five year housing supply. The appellant suggests that the proposed dwelling would make a valuable contribution towards meeting the deficit. However, whilst even one dwelling would be of some value, the limited public benefits would not be sufficient in this case to outweigh the material harm to the heritage asset, the conservation of which, in accordance with the NPPF, should be given great weight.

11. It is concluded on the main issue that the proposed dwelling would have a materially harmful effect on the character and appearance of the appeal site, Hazler Crescent and the surrounding area and would fail to preserve or enhance the character or appearance of this part of the Church Stretton CA. In consequence it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, which taken together expect new development to be designed to a high quality which respects and enhances local distinctiveness, including that of heritage assets, and protects and enhances the built and historic environment.
12. The Council states in evidence that the proposed development would, in accordance with adopted policies for affordable housing, be subject to an appropriate financial contribution towards the provision of affordable housing in the area. The appellant does not dispute this and has submitted a draft s106 agreement although a completed document is not before me. However, I have not been provided with sufficient information to enable me to establish whether the proposed contribution would meet the three statutory tests set out in paragraph 204 of the NPPF. Consequently I am unable to assess whether a contribution would be necessary. In any case, a contribution towards affordable housing would not outweigh the harm that I have already identified in respect of the main issue.
13. The appeal site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). However, as it is within an established residential area of Church Stretton, I agree with the Council that the proposed dwelling would not have a detrimental effect on the landscape of the AONB. Nevertheless, this lack of harm would not alter or outweigh my findings with respect to the effect on the character and appearance of the CA.
14. New Planning Guidance was published on-line on 6 March 2014 and applies from that date. The content of the guidance has been considered but I am satisfied that it does not alter my conclusions in this case.
15. For the reasons set out above and having regard to all other matters raised, including the sustainability of the location and the proposed dwelling, the living conditions of occupiers of Tanat and the alleged historic intentions to build a dwelling at the appeal site, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR

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Appeal Decision

Site visit made on 1 May 2014

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 4 June 2014

Appeal Ref: APP/L3245/A/13/2209816

2 Oakfield, Clun Road, Craven Arms, Shropshire SY7 9AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs J Roberts against the decision of Shropshire Council.
 - The application Ref 13/01697/OUT, dated 29 April 2013, was refused by notice dated 16 September 2013.
 - The development proposed is the erection of a single dwelling with detached garage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, and the application form makes it clear that all matters are reserved for future consideration. The siting of both the dwelling and garage are shown as indicative on the submitted drawing and I have treated them accordingly.
3. The description of development described above has been taken from the appeal form as it more accurately describes the proposal. A Section 106 legal agreement has been submitted with the appeal dated 7 February 2014, between James Roberts and Shropshire Council. The S106 would provide for a financial contribution to be made towards the provision of off-site affordable housing in the event that planning permission was granted. I have had regard to this document in my decision.
4. The Planning Practice Guidance (PPG) came into force on 6 March 2014. The content of the guidance has been considered, but in the light of the facts in this case, the PPG does not alter my conclusion.

Main Issue

5. The main issue is whether the proposed new dwelling is acceptable in this location.

Reasons

6. The appeal site is located at the junction of Park Lane and Clun Road (B4368). The Council has stated that the site lies outside the established and future extent of the Craven Arms urban area. It is therefore located within the countryside. Whilst the appellants do not dispute this, they consider that the

- site is adjacent the fabric of the built up area and within the confines of existing development.
7. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (Core Strategy) seeks to strictly control new development in the countryside. An exception to this strict control are dwellings to house agricultural, forestry or other essential countryside workers, and other affordable housing or accommodation to meet a local need. Whilst pre-dating the National Planning Policy Framework (the Framework), this policy broadly accords with paragraph 55 which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
 8. The appellant has indicated that the new dwelling would be market housing. It would therefore not fall under the definition of affordable housing, or be a dwelling for an agricultural, forestry or other essential countryside worker. As such, the new dwelling would not represent an exception to the Council's strict control over development in the countryside. It would therefore be in conflict with Policy CS5 of the Core Strategy.
 9. However, the Council acknowledges that it cannot demonstrate a five year supply of housing in accordance with the provisions of the Framework. At paragraph 49, the Framework advises that relevant policies for the supply of housing (in this case Policy CS5) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It further states at paragraph 14, that housing applications should be considered in the context of the presumption in favour of sustainable development, and where 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 policies in the Framework taken as a whole.
 10. There are three dimensions to sustainable development: economic, social and environmental, which give rise to the need for the planning system to perform a number of roles in respect of each. Both parties agree that the proposal would contribute to the economic dimension of sustainability. I have no reason to disagree. However, there is dispute as to the contribution the proposal would make to the social and environmental dimensions.
 11. In social terms, the appellants consider that the new dwelling would contribute to the Council's housing shortfall at a time when the deliverability and availability of a number of the identified sites within the Site Allocations and Management of Development Plan (SAMDev) is uncertain. There is no dispute that the new dwelling would make a contribution to the housing stock within the area. However, this contribution would be small.
 12. I do not doubt that residents of the property would use the shops and services in Craven Arms, thereby supporting the community facilities therein. However, the appeal site is located some distance from the centre of Craven Arms, and in the absence of street lighting or a pavement along Clun Road, there would be a high probability that residents of the new house would drive into Craven Arms to access the local shops and services, rather than walk. Although there is a bus stop in Clun Road where residents could catch a bus, I

have not been provided with the frequency or route of the service provided and I am therefore only able to attach limited weight to this matter.

13. The appellants have referred me to a pavement along Watling Street which they consider residents of the new dwelling would use to walk into the town. On my site visit I noted that this pavement ran to the development at Roman Downs, after which there was no pavement. This stretch of road is covered by the national speed limit and whilst I observed that a public footpath was accessed off Watling Street, this crossed a field. I consider that, this would not provide a suitable access into the town in inclement weather or when the field was muddy, or for people with prams or wheelchairs. Although the Council may have considered the previously approved 'affordable dwelling' adjacent to the site to be accessible to the town, I am not aware of the circumstances that led it to its decision. I am therefore only able to attach limited weight to this matter. In any event, I am obliged to determine this appeal on its individual merits and that is the approach that I have taken.
14. The environmental role of sustainability is for the planning system to contribute, amongst other things, to protecting our natural, built and historic environment. The northern and southern sides of Clun Road comprise markedly different characters. The northern side is of a more urban form and largely residential in character, whilst the southern side is more rural in character, with open fields and more sporadic residential development. The site is located on the southern side of Clun Road and it is viewed in this rural context.
15. The proposed dwelling would be built in close proximity to the existing dwelling and caravan on the adjacent site and close to the outbuildings adjacent Clun Road. The appeal site is largely open, and whilst hard surfaced and used by the appellants' business, it is rural in character providing open space around the existing dwelling. In contrast, whilst the siting of the new dwelling is a matter reserved for future consideration, a new building on the site would intensify the residential use of it and would result in a loss of the open space around the existing dwelling. This would be out of keeping with the dispersed pattern of development within this rural area which is a characteristic of the southern side of Clun Road.
16. Although the site is largely screened by mature landscaping and it is the appellants' intention to retain this, there are public views into the site from the access into it, from Park Lane and from the junction with Clun Road. The new dwelling would therefore be visible from public vantage points and whilst at the time of my site visit, the hedgerow was in leaf, during the winter months this would not be so, and the incongruous dwelling on the site would be more prominent in public views.
17. The Framework makes it clear that the three roles the planning system is required to perform in respect of sustainable development should not be undertaken in isolation, because they are mutually dependent. Given my concerns above, the local services of Craven Arms would not be readily accessible to residents of the new dwelling by modes of travel, other than by car, and harm would be caused to the character and appearance of the area.

18. I therefore conclude that a dwelling in this location is not acceptable as it would not represent sustainable development for which the Framework indicates there is a presumption in favour. It is neither similar in location nor size to the proposed SAMDev sites at CRAV004 or CRAV24. Furthermore, there would be conflict with the objectives of Policy CS5 of the Core Strategy in that the character of the countryside would not be maintained and enhanced. This harm would not be outweighed by the availability and deliverability of the site for development nor would the small contribution the new dwelling make to the supply of housing in the area. Likewise the small contribution that a new dwelling would make to the rural economy and the provision of off-site affordable housing (in accordance with policy CS11 of the Core Strategy) do not outweigh the harm identified.

Conclusion

19. For the above reasons, and having regard to all other matters raised, including no objections being raised by third parties or consultees, other than the Parish Council, the appeal should be dismissed.

R C Kirby

INSPECTOR