



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

Date: Monday, 14 July 2014

Committee:
South Planning Committee

Date: Tuesday, 22 July 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 - 12)

To confirm the minutes of the South Planning Committee meeting held on 24 June 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 Proposed Residential Development South of A49 Ludlow, Shropshire (13/03862/OUT) (Pages 13 - 66)

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 floor space, associated engineering and accommodation works.

6 Land South Of A464, Shifnal, Shropshire (13/04840/FUL) (Pages 67 - 118)

Mixed residential development of 66 dwellings and garages.

7 Land south of Woodbatch Road, Bishops Castle (14/00885/OUT) (Pages 119 - 156)

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

8 Land off Oldbury Road, Bridgnorth, Shropshire (14/01016/OUT) (Pages 157 - 190)

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

9 The Rectory Church Street, Broseley, Shropshire, TF12 5DA (14/01393/FUL) (Pages 191 - 206)

Erection of rectory; improvements to existing rectory; repositioning of boundary wall; and formation of vehicular access.

10 Proposed Residential Development Land Off St Stephens Place, Bridgnorth, Shropshire (14/01690/FUL) (Pages 207 - 234)

Residential development of 22 dwellings; erection of estates office; formation of communal garden areas and open space (revised scheme).

11 Proposed Exception Dwelling South Of Upper Stedment, Ratlinghope, Shropshire (14/01796/FUL) (Pages 235 - 244)

Erection of affordable dwelling and detached domestic garage; installation of sewage treatment plant.

12 Elm Road Stores, Bishton Road, Albrighton, Wolverhampton, Shropshire (14/01841/FUL) (Pages 245 - 258)

Erection of 3 bedroom detached bungalow with integral garage following demolition of existing store.

13 Butlers Of Cleobury, Brunswick House, 23 High Street, Cleobury Mortimer, Kidderminster, DY14 8BY (14/02130/LBC) (Pages 259 - 264)

Installation of replacement windows to include double glazing to rear ground and first floor affecting a Grade II Listed Building.

14 Schedule of Appeals and Appeal Decisions (Pages 265 - 270)

15 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, 19 August 2014, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

22 July 2014

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 24 June 2014

2.00 - 5.31 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

Councillor Stuart West (Chairman)

Councillors David Evans (Vice Chairman), Andy Boddington, Nigel Hartin, Richard Huffer, John Hurst-Knight, Cecilia Motley, Madge Shingleton, Robert Tindall and David Turner (Substitute) (substitute for Tina Woodward)

14 Apologies for Absence

Apologies for absence were received from Councillors William Parr and Tina Woodward (substitute: David Turner).

15 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 27 May 2014, be approved as a correct record and signed by the Chairman.

16 Public Question Time

There were no public questions.

17 Disclosable Pecuniary Interests

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

With reference to planning application 14/00784/EIA, Councillor D A Evans declared that he rented premises on the adjacent site and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/00784/EIA, Councillor J Hurst-Knight declared that he was a friend of the family and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/00784/EIA, Councillor R Tindall declared that the applicant was known to him but there was no close connection and he had had no involvement with the application.

With reference to planning application 13/00097/FUL, Councillor D Turner declared that he was a friend of the applicant and would leave the room and take no part in the consideration of, or voting on, this application.

18 Application to Register Land known as Patshull Green, Albrighton as a Village Green

The Commons Registration Officer introduced the report of the Head of Legal and Democratic Services (Monitoring Officer) for an application to register land known as Patshull Green, Albrighton as a Village Green.

RESOLVED:

That the application to register the land known as Patshull Green, Albrighton, as shown edged red on the plan (Appendix 1 to the report), be rejected as per the Officer's recommendation and for the reasons set out in the report.

19 McKeand Smith & Co Ltd, Station Road, Albrighton, Wolverhampton, WV7 3EA (13/00097/FUL)

In accordance with his declaration at Minute No. 17, Councillor D Turner left the room prior to consideration of this item.

The Principal Planner introduced the application and confirmed Members had undertaken a site visit the previous day 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 access, proposed passing places and the existing and proposed elevations.

In the ensuing debate, Members considered the submitted plans and unanimously expressed support for the Officer's recommendation but expressed reservations regarding the design, density, access arrangements and land contamination. They suggested that the proposed number of passing places was inadequate, an improved landscaping scheme would be beneficial and the provision of alternative forms of energy should be explored.

RESOLVED:

That, subject to a Section 106 Agreement relating to the affordable housing element and the conditions as set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

20 **Land At Mardol House, King Street, Much Wenlock, Shropshire, TF13 6BL (13/00143/FUL)**

The Principal Planner introduced the application and confirmed Members had undertaken a site visit the previous day and had viewed the site, noted the relationship of the surrounding properties and the mix of architectural styles, and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location and proposed elevations.

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 Turner, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement, the following points were raised:

- If granted appropriate conditions would address concerns raised;
- Mature trees should replace any fatally damaged trees;
- He welcomed the reduction in scale of the development but questioned if the revised scheme had been consulted upon;
- The concerns with regard to the turning space for busses and the frequent and rapid turnover of vehicles using the short stay car park would be further complicated by the provision of a new access; and
- The use of appropriate materials in this area was important and he hoped that the applicant would pay due regard to the Much Wenlock Neighbourhood Plan.

Councillor Mrs M Hill, representing Much Wenlock 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:

- The revised application had not been submitted to Much Wenlock Town Council for consideration; and
- She expressed concerns relating to the access and scale of the proposal and questioned if the roofscape would fit in with the surrounding area.

In the ensuing debate, Members noted the comments and concerns of all speakers and the majority of Members supported the proposal. They expressed concerns relating to the access arrangements and it was

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Agreement relating to affordable housing;
- The conditions as set out in Appendix 1 to the report; and
- That Officers be granted delegated authority to undertake a review of the access arrangements and for improvements to be made as appropriate.

**21 Criddon Hall Farm, Criddon, Upton Cressett, Bridgnorth, WV16 6UJ
(13/01983/FUL)**

Application withdrawn by the applicant.

22 Proposed Residential Development South Of A49, Ludlow (13/03862/OUT)

The Technical Specialist Planning Officer introduced the application and confirmed Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, she drew Members' attention to the location, indicative layout, pedestrian and cycle bridges and access (including roundabout).

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the agent.

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 Andy Boddington, 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. During his statement, the following points were raised:

- The steep gradients on parts of the site would increase the risk of flooding, any flooding issues should be resolved before permission was granted and there was a need to ensure that there would be sufficient attenuation on the site to cater for a 1 in 100 year return storm event;
- With regard to noise and air pollution he drew attention to the closeness of the A49 bypass and commented that the freight train ran every day on the hour;
- He expressed concerns relating to the river and public safety;
- Many dog walkers drove to Fishmore View to walk their dogs and this caused problems with parked cars;
- Play provision could only be accessed by crossing the footbridge to Fishmore View and there were already issues of anti social behaviour relating to open space adjoining Fishmore View;
- The highways report was out of date;
- There was no town circular bus route;
- The proposal would encourage residents to drive away from Ludlow rather than use town centre facilities; and
- The proposal would not be sustainable.

Mr M Smith, 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 expressed serious concerns with regard to flooding. The construction of the footbridge would create a "pinch point" for flood water; ground levels around his house had been raised as a result of development and all water flowed towards his property; and the area flooded 3/4 times per year; and

- The proposal was contrary to Article 8 of the Human Rights Act.

Mr A Williams, 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:

- The application was for outline permission with only the principle of development and access up for consideration;
- The Highways Agency had raised no objections;
- Pedestrian access would be provided by the two proposed footbridges. In view of objections raised the applicant would be willing to remove the footbridge over the river to Fishmore View;
- Shropshire Council's Noise Specialist had confirmed that the potential impact of noise was not a significant issue;
- Shropshire Council's ecologist had raised no issues;
- Flooding – The Environment Agency and Shropshire Council's Drainage Officers had scrutinised and approved the Flood Risk Assessment;
- If the merits of the site and the access off the A49 had been confirmed earlier, the site might well have been identified in the Site Allocations and Management Development Plan (SAMDev); and
- In numerical terms this site had attracted relatively few objections.

In the ensuing debate, Members noted the comments and concerns of all speakers. They expressed their own concerns relating to drainage, flooding, access, noise and rail line safety and commented that the site visit had been inadequate and considered that a more informed visit should be undertaken prior to any decision being made. Members unanimously supported deferral of the proposal.

RESOLVED:

That this application be deferred in order that a more informed site visit could be undertaken and for the applicant to provide further information on surface water drainage and the implications for flooding, the proposed new roundabout on the A49, and the vehicular access to the neighbourhood shop off Bromfield Road.

23 Land South Of A464, Shifnal, Shropshire (13/04840/FUL)

The Principal Planner introduced the application and confirmed Members had undertaken a site visit the previous day 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, site plan, elevations and landscaping proposals.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated 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. During his statement, the following points were raised:

- He expressed his concern that this was yet another site in Shifnal put forward for development;
- He had no problem with the site per se but this was one of many and Shifnal had received a disproportionately high number of applications;
- The town of Shifnal was currently reviewing and attempting to find solutions to the traffic situation but this was in its infancy; and
- He acknowledged the situation with regard to the five year land supply and expressed concerns about the cumulative impact of such applications on Shifnal.

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

In the ensuing debate, Members expressed serious concerns regarding the cumulative effect of yet another application in Shifnal and considered that this should outweigh the lack of a five year land supply; the inability of the infrastructure to cope with further development; and the impact on the nature and character of the historic market town of Shifnal. Members noted that both the local Ward Councillor and Shifnal Town Council objected to the application.

In response to questions and comments, the Principal Planner provided clarification on the number of units already granted permission in Shifnal and drew Members' attention to the current five year land supply issue.

RESOLVED:

That consideration of this item be deferred to the next meeting, with Members minded to refuse the application, contrary to the Officer's recommendation, for the following reasons:

- The proposed development of 66 dwellings, in combination with the current valid planning permissions and resolutions in Shifnal Town, would cumulatively result in development harmful to the character of Shifnal and would have an unsustainable impact upon the Town's infrastructure in respect of highway network capacity, medical facilities and school capacity. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS8 and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.

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

(The meeting adjourned at 3.52 pm and reconvened at 3.58 pm.)

24 The Habit, 30 East Castle Street, Bridgnorth, Shropshire, WV16 4AN (13/04956/FUL)

The Principal Planner introduced the application and confirmed Members had undertaken a site visit the previous day 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, plans and elevations.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting and detailing additional neighbour comments.

Mrs A Fitzpatrick, 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:

- She expressed concerns regarding the loss of light and requested that consideration of the application be deferred in order that a light impact assessment could be obtained;
- A considerable number of objections had been made with over half expressing concerns with regard to the impact on light; and
- Streets were narrow and access would be problematic.

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 John Hurst-Knight, as the local Ward Councillor, made a statement, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Bank Street and Cliff Terrace were narrow and there would be no on-street parking; and
- There would be a loss of light to the window in No. 5 Bank Street.

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

RESOLVED:

That this application be deferred to a future meeting in order for the applicant to provide a specialist light impact assessment report.

25 Corfton Farm, Corfton, Craven Arms, Shropshire, SY7 9DD (14/00784/EIA)

In accordance with their declarations at Minute No. 17, Councillor D Evans and J Hurst-Knight left the room prior to consideration of this item.

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning 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, access, proposed landscaping and elevations. In response to comments from Members, he confirmed that Condition

No. 17 should read: "no lorries shall leave the development site between 11.00 pm and 2.00 am hours.", and Condition No. 5 could be amended to ensure the use of colour finish BS18B29.

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 Cecilia Motley, 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. During her statement, the following points were raised:

- This was a very large application located in a sensitive area and located just within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). She commented that there was potential for it to dominate the area but acknowledged that this could be mitigated with appropriate landscaping;
- She had no problem with the use of colour finish BS18B29;
- Issues of odour and light should be taken seriously and conditioned and monitored appropriately;
- She welcomed the access arrangements; and
- She urged Members to have regard to the comments of the Parish Council and ensure that maximum consideration be given to reducing any adverse environmental and social impact upon the people of the parish.

In the ensuing debate, Members noted the comments and concerns of all speakers and the majority of Members supported the proposal. Members expressed differing views with some expressing reservations with regard to the impact on the landscape and concerns relating to water run-off onto the highway.

RESOLVED:

That permission be granted in accordance with the Officer's recommendation, subject to:

- Condition No. 5 being amended to ensure that the colour finish be BS18B29; and
- Condition No. 17 being amended to ensure that no lorries shall leave the development site between 11.00 pm and 2.00 am hours.

26 The Leasowes, Sandford Avenue, Church Stretton, Shropshire, SY6 7AE (14/01173/OUT)

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning 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 access arrangements. He explained that whilst the application referred to 'up to 52 dwellings' the applicant, following discussions with Planning Officers, had submitted an updated indicative layout plan showing a total of 34 houses and a number of landscaped areas.

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, the local Ward Councillor, made a statement, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He supported the building of up to 52 dwellings; and
- The site had been allocated for residential development in the emerging SAMDev.

Cllr Michael Braid, representing Church Stretton 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:

- The site had been allocated for residential development in the emerging SAMDev;
- Church Stretton Town Council supported up to 52 dwellings on this site and not the proposed 34;
- There was a shortage of sites in Church Stretton of sufficient size to cater for the remaining 18 dwellings; and
- Granting permission for just 34 homes would impact negatively on the five year land supply.

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

- The original application was for up to 52 dwellings, but following consultation with the public and Planning Officers, the number had been reduced; and
- With regard to the number of dwellings, he commented that he would be guided and would accept the decision of the Planning Committee.

In the ensuing debate, Members noted the comments and concerns of all speakers and Members unanimously supported the proposal. Members acknowledged that the visibility splays on the junction onto Sandford Avenue would be widened but continued to express reservations regarding highway safety particularly as Sandford Avenue was already used by vehicles travelling in excess of the speed limit and given the increase in traffic that would be generated by this proposal; and they hoped that the applicant would work with the Traffic Management Team and implement any appropriate additional measures. With regard to the access road, they suggested the use of a more permeable surface rather than asphalt; and suggested that any landscaping scheme should be capable of integrating visually with the surrounding landscape and not impact adversely on the setting of the area.

RESOLVED:

That, subject to a Section 106 Agreement relating to the affordable housing element and the conditions as set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

27 Land Off Oldbury Road, Bridgnorth, Shropshire (14/01016/OUT)

The Principal Planner introduced the application and confirmed Members had undertaken a site visit the day before 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, tree removal and root protection plan. He confirmed that the applicant had agreed to Conditions Nos. 2 and 3 being amended to ensure that any application for approval of reserved matters shall be made before the expiration of 12 months and any permitted development shall be begun either before the expiration of two years from the date of any permission or before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting and detailing additional comments from a neighbour, agent and Bridgnorth Civic Society.

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 John Hurst-Knight, 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. During his statement, the following points were raised:

- He commented and expressed concern that many of the trees, particularly at the entrance to the site, were the subject of Tree Preservation Orders and would be removed.

Mr M Pugh, 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 site had not been included as a preferred site in the SAMDev process;
- The Planning Officer had been made aware of discrepancies in the report;
- The nearest bus-stop was over ½ mile away from the site;
- The Highways report had been based on the initial tree report;
- He questioned the ownership of some of the land;
- Traffic travelling along the road regularly exceeded the speed limit;
- The site would not be sustainable; and
- Most residents of Bridgnorth commuted outside the area.

Mr M Parrish, 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:

- The site would be sustainable and complied with the ethos of the National Planning Policy Framework (NPPF); and
- The proposal would contribute towards affordable housing and provide economic benefits via a Community Infrastructure Levy.

In response to questions from Members, the Principal Planner explained that the proximity of Oldbury to Bridgnorth had been deemed as being sustainable; and provided clarification on a previous refusal and appeal decision.

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

RESOLVED:

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

- The proposed development would have a detrimental impact upon the character and appearance of the Oldbury Conservation Area and its setting through the erosion of the rural character of the north eastern approach to the village by built development on this site, and the loss of a visually prominent section of roadside hedgerow and trees. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 131, 135 and 138 of the National Planning Policy Framework (NPPF) and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.

28 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 24 June 2014 be noted.

29 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, 22 July 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

22 July 2014

Development Management Report

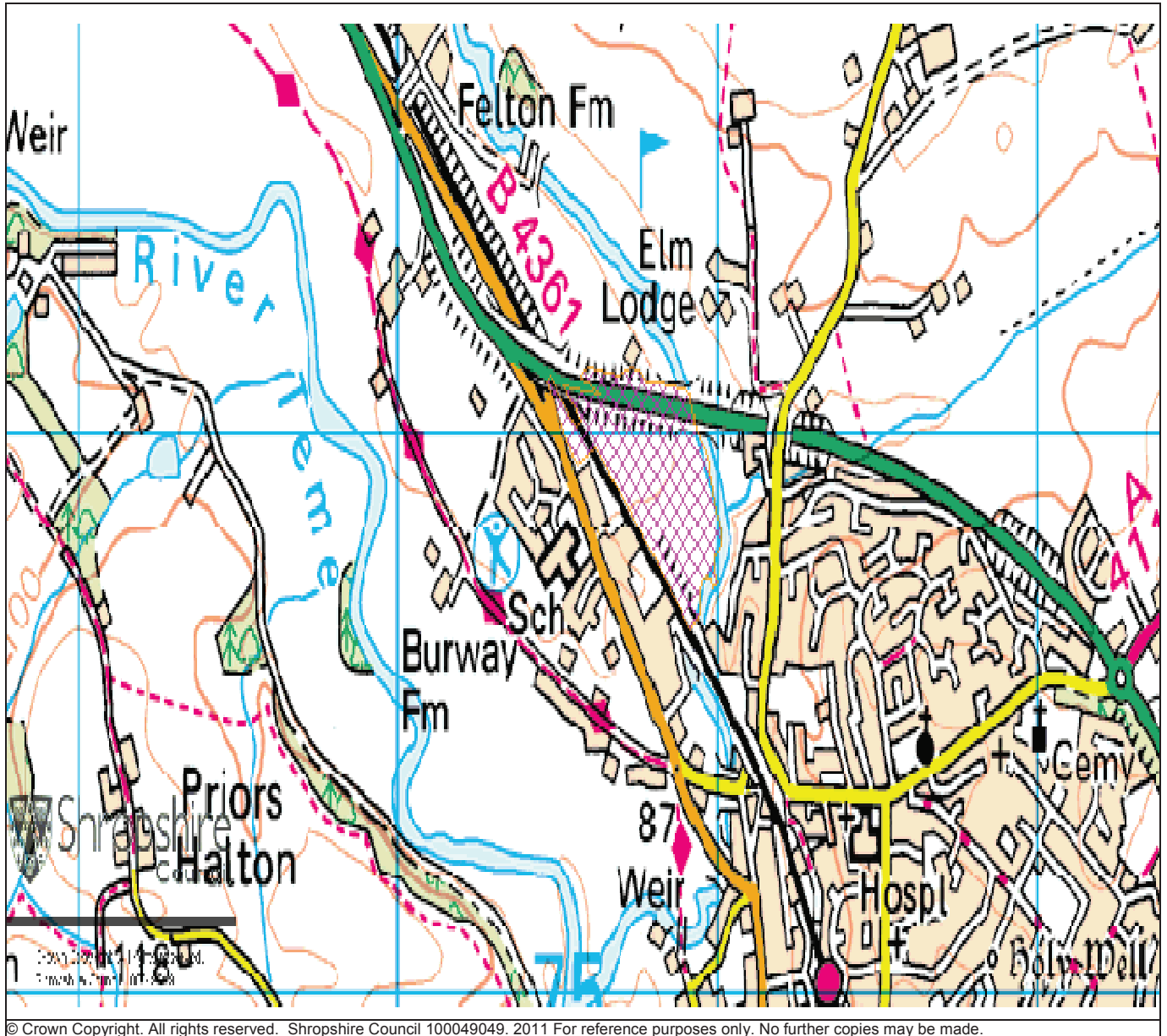
Responsible Officer: Tim Rogers

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	

Grid Ref: 350861 - 275980



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

REPORT UPDATE

1. This application was deferred at the South Planning Committee meeting on 24 June 2014 to enable members to make a more informed site visit and for the applicant to provide further information on surface water drainage and the implications for flooding, the proposed new roundabout on the A49, and the vehicular access to the neighbourhood shop off Bromfield Road. These and other issues raised at the meeting are addressed in this section. The original report is presented below and has been updated to include Severn Trent Water’s confirmation that they have no objection (para. 4.1.15) and the agent’s representations to the South Planning Committee on 24 June (para. 5.1.5).

2. Surface water drainage and flooding

Objectors and the local member have expressed concern over the drainage of the site and implications for flooding along the River Corve and Fishmore Brook. A comprehensive Flood Risk Assessment has been provided which includes hydraulic modelling of flood scenarios based on the latest available data. The indicative layout is based on the Flood Risk Assessment and shows a potential development area where dwellings are situated above the 100 year + 30% flood line. The riverside open space would be within the flood plain.

The applicant's cannot be expected to provide a detailed drainage strategy at this outline stage, but their consultants, Waterco, have prepared a short statement to summarise the options available to deliver appropriate on-site storage to attenuate the surface water discharge to the appropriate greenfield run-off rate and this is attached as Appendix 2 to the report. Essentially, this confirms that there is ample scope for storage and attenuation by a variety of viable means and there is no justification to suggest that the development will exacerbate existing flooding issues downstream.

It is important to note that both the Council's Flood Risk Management Team and engineers at the Environment Agency have rigorously scrutinised the Flood Risk Assessment and do not object to the proposals. Conditions are proposed to ensure that details are submitted with the reserved matters application.

3 Roundabout on the A49

The proposed roundabout on the A49 is a full sized roundabout that has been the subject of a thorough process of design and safety audits in liaison with the Highways Agency, which is the responsible authority for this road. The HA have confirmed that the roundabout is acceptable and appropriate. Access is not a reserved matter and through the TR110 response, the HA have directed that a condition be placed on any forthcoming permission to ensure that access arrangements are in place before building commences on site. This condition is included in the recommendation as condition no. 5.

4. Vehicular access to Bromfield Road

In consultation with the Highways Officer, additional drawings have been submitted showing the existing arrangement and proposed access from Bromfield Road in the vicinity of the neighbourhood shop. The Highway Officer considers the proposals will provide a safe and convenient access to Bromfield Road.

5. The bridge over the River Corve

Additional representations have been received from Cllr Boddington in relation to the proposed footbridge over the River Corve. His comments are as follows

I am resolutely opposed to this footbridge. I disagree with the view of officers that this link increases the sustainability of the development.

As I said yesterday, the proposed riverside park will attract dog walkers. Many of these will come from the Stantons and Bringewoods which were regrettably built without adequate open space. The result is that a number of residents drive to Fishmore View to walk their dogs on the play area and the paths along Fishmore Brook. This already causes problems with parked cars on Fishmore View. At times this makes it difficult for residents to access their drives. This problem will only increase with a footbridge which will give access to the new riverside park.

Although it's a nice idea to link housing estates, in this case it doesn't work because of the problems it will create for Fishmore and Corve View. The footbridge does not useful access to facilities for the new estate.

In response, Officers can confirm that from a highways and planning perspective the proposed footway/cycle link forms a significant element of the development proposals and provides a useful link between the proposed development site and local amenities. It is an alternative route to the town centre and a pleasant route from houses on the eastern side of the town to the leisure centre and Ludlow High School.

The applicant is willing to remove the bridge from the proposal but the development site is already restricted in terms of pedestrian and cycle links. The bridge increases the sustainability of the proposal and officers would be very concerned if this link was removed from the scheme.

Ultimately if the scheme was amended to delete the bridge, it is not considered that an argument that the bridge is essential on highway safety or sustainability grounds could be sustained on appeal. Notwithstanding the concerns of local residents that people would park in Fishmore View to walk dogs, the bridge increases the sustainability of the site and would be a valuable community asset serving a large number of people. The opportunity to provide the link would be lost. This is a case where the p

6 Other issues raised at the South Committee meeting on 24 June 2014

Management of Open Space and Pedestrian Footbridges – The open space will be provided to an adoptable standard and it will either be offered to Shropshire Council or Ludlow Town Council or it will be maintained by a private management company. Likewise, the footbridges will be offered for adoption as public footpaths or maintained by the management company in perpetuity.

Noise – The submitted noise assessment did consider the impact of railway movements as well as road traffic noise and it concluded that the impacts were well within normal tolerances and capable of mitigation through careful layout and design and the reserved matters stage. The Council's noise specialist concurred with the findings of the Assessment and recommends appropriate conditions.

Rail line safety – Network Rail has been consulted on the application and they have no objection to the proposal. Guidance on the safety requirements that the developer will have to follow is included in the recommendation as an informative.

7 Implementation

Although not a matter raised at Committee, the agent has confirmed that if necessary, their client would be prepared to accept a condition on any permission that limits the time for the submission of reserved matters to two rather than the normal 3 years, with a matching period for commencement of the development following the approval of the reserved matters. The condition demonstrates a commitment to deliver this development in a timely manner and within the next 5 years to increase the Council's supply of deliverable housing land.

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 COMMITTEE 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 Severn Trent Water

No objection subject to a condition requiring details of surface water and foul drainage proposals.

4.1.16 **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 **Pubic 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.

5.1.5 The agent has submitted the following statement which was included in the Additional Representations for the meeting on 24 June 2014:

The key points we would ask you to note are as follows:

- The application is in outline with only the principle of development and access for consideration at this time.
- The original proposal to construct a new access road under the A49 adjacent to the River has been superseded, in favour of a more simple roundabout arrangement directly into the site.
- The Highways Agency is notoriously difficult to satisfy, but it is has confirmed that the proposed new roundabout off the A49 is acceptable. The site is therefore accessible and is no less sustainable in terms of its location than the SAMDev allocations which are situated on the far side of the A49..
- Pedestrian access can be provided by the two proposed footbridges. Access to Bromfield Road to the west will connect to the primary and secondary schools and leisure centre, and there is a bus route into the Town. Furthermore the proposals include scope for a neighbourhood store.
- The footbridge over the River into Fishmore View to the east will enhance connectivity not only for future occupants but also existing residents wishing to access the proposed riverside open space and the community facilities on Bromfield Road, to the west. Please note, however, that whilst this link may be considered desirable (hence why it was proposed), it is not absolutely essential to the scheme. So, if in the light of objections, Members wish it to be deleted, the applicant is agreeable to this and a revised red edged site plan is available for substitution, if necessary.
- The Council's Noise Specialist has confirmed that the potential impact of noise from the A49 is not a significant issue and it should be noted that the layout and orientation of properties and also noise insulation measures are matters of detail for the reserved matters stage.
- The Council's ecologist is satisfied that the development will have no significant

impact and there will be the opportunity to enhance ecological interests.

- There appears to be some misconception about how the proposals might affect flood risk in other parts of the Town. Put quite simply, the Environment Agency and your own drainage officers have scrutinised and approved the Flood Risk Assessment which demonstrates that the proposed housing area will not be in the flood plain. Moreover, surface water run-off has to be attenuated to the green-field rate so the development will have no direct or indirect impact elsewhere downstream.

- The Council's SHLAA acknowledges the merits of this site and perhaps if the access off the A49 had been confirmed earlier, the site might well have been identified in the SAMDev. We say this because it is located within the physical and visual confines of the Town as defined by the A49 on embankment and unlike other options development in this location will not be intrusive, nor lead to further sprawl into the countryside.

- The SAMDev allocations for Ludlow lie beyond the A49 and have attracted strong objections that will have to be considered by the Inspector at the Examination. Therefore, contrary to the assertion in the report, these proposed allocations cannot be afforded significant weight at this time.

- In any event, the application does not seek to compete with the SAMDev allocations, but instead, the proposal will help improve the five year housing land supply, which is at best marginal and at worst deficient.

- We suggest that in numerical terms, this site has attracted relatively few objections for a major scheme of this type, not least because it is a logical housing opportunity that will have very little impact upon the environment or wider setting of the Town.

In summary, the officer report is well-written and thorough and it addresses and all of the key considerations that are material to the determination of this application, based upon an objective assessment of the issues, leading to a reasoned judgement on the Planning Balance.

At Section 7.0, the report reaches a clear and unequivocal conclusion that the proposal is acceptable and it should benefit from the presumption in favour of sustainable development provided by the NPPF.

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. 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 and have no objection to the proposal. 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.

- 23 The Travel Plan Measures (ref: DTTC report no. J244/FTP dated September 2013) shall be implemented within one month of the first occupation of any part of the residential development. The Travel Plan measures shall relate to the entirety of the development, and reflect the phasing of occupation as appropriate.

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

Informatives

1. Section 106 Agreement

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.

6. 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.
7. 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.
8. A 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.
9. 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
10. Consent is required from the service provider to connect into the foul main sewer.

11. 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.

12. 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'.

13. 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.

14. 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.

15. 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)

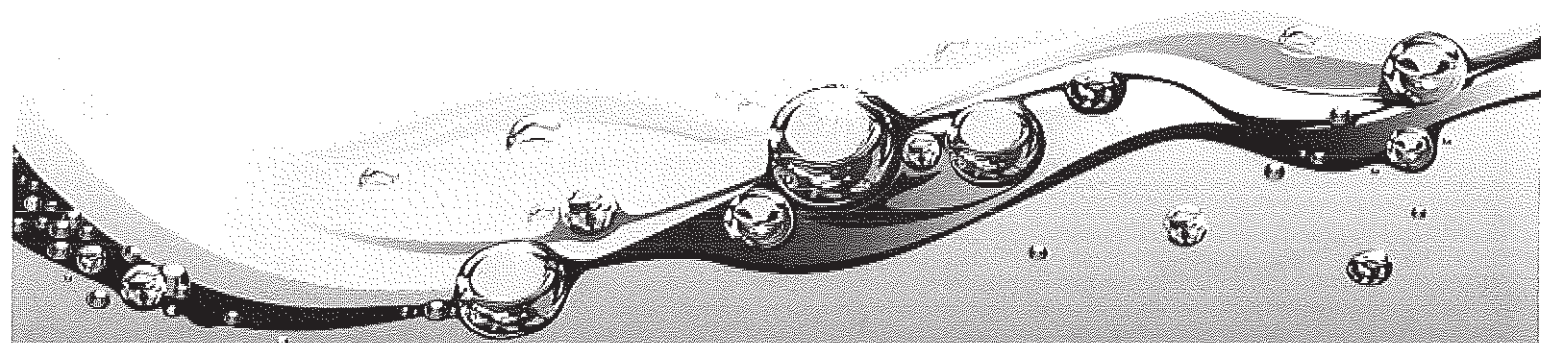


Appendix 2
Outline Surface Water Strategy

Bromfield Road, Ludlow

Outline Surface Water Strategy

July 2014



CLIENT:

Tesni Homes

SCHEME:

Bromfield Road, Ludlow

Residential / Commercial development

INSTRUCTION:

The instruction to carry out this Outline Surface Water Strategy was received from John Beardsell of Tesni Homes (formerly WCE Properties).

ISSUE HISTORY:

Issue Date	Comment/ Revisions
02/07/2014	First Issue

DOCUMENT REVIEW & APPROVAL

Prepared by David Jones

Reviewed by Aled Williams BSc (Hons)

Approved by Dr Deepak B Kharat BE MTech PhD MCIWEM CWEM CSci

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3	Surface Water Management	2
4	Conclusions.....	4
5	Recommendations	4

Appendices

A – Hard surfaces area sketch plan

1 Introduction

- 1.1 Waterco Ltd have been instructed to prepare an Outline Surface Water Strategy in respect of a proposed residential (210 properties) and commercial development at land off Bromfield Road, Ludlow. The total site area is approximately 10.6ha.
- 1.2 This document has been prepared in support of an outline planning application to identify the order in which surface water run-off from the site should be further assessed for sustainability.
- 1.3 The site comprises of greenfield land where the topography falls towards the River Corve.
- 1.4 Part of the site is within Flood Zone 2 and Flood Zone 3 as defined by the Environment Agency. A Flood Risk Assessment 'w1366-140120-FRA' and addendum 'w1366-140327-FRA Addendum' prepared by Waterco contains further information. The proposed housing area is outside of the Flood Zones.

2 Proposed site permeable / impermeable areas

- 2.1 The site's hard surfaces are divided into three categories which are roofs, private driveways and highways. These areas are shown in Appendix A and a summary is provided below.

Surface type	Surface area
Roofs	13,175 sq. m
Private driveways	11,360 sq. m
Highways	12,562 sq. m

3 Surface Water Management

Overall Design Philosophy

- 3.1 Part H of the Building Regulations sets out the preferred methods for disposal of surface water, in order of priority: soakaway, watercourse; sewer.
- 3.2 Disposal of surface water to ground is to be investigated first, followed by disposal to the River Corve. Disposal of surface water to sewer should not need to be investigated.
- 3.3 The different impermeable areas, roofs, driveways and highways can be drained separately.

Disposal via Infiltration Techniques

- 3.4 Disposal of surface water via infiltration techniques may be a viable option.
- 3.5 Infiltration devices should not be built in ground where the water table reaches the bottom of the soakaway at any time of the year. Presence of ground water is to be investigated further.
- 3.6 Soakaways should be sited at least 5m away from buildings and adopted roads. The proposed layout may need to be reconsidered.
- 3.7 Infiltration tests are to be carried out to BRE Digest 365 prior to the detailed design of the scheme.
- 3.8 If the infiltration tests are successful, the local authority highways department would need to be consulted over the drainage design for the adoptable highways.

Discharge to Watercourse

- 3.9 Discharge from the site to the River Corve would need to be restricted. The pre-development 1 year return period peak runoff rate calculated using the combination of IOH124 method and rational method equates to 51 litres per second approximately. Calculations are included in the Flood Risk Assessment cited previously.
- 3.10 The exact maximum allowable runoff rate and locations of discharge are to be agreed with the Environment Agency.

3.11 The Environment Agency require surface water runoff for a 100 year flood to be retained on site however below ground drainage may be designed for 30 year flood capacity with exceedance flows retained on roads, other unhabited areas or lagoons which can recede back into the drainage system for controlled discharge to the watercourse at the end of a storm event [refer to EA document "Rainfall runoff management for developments" (Report – SC030219)]. The "National Planning Policy Framework" requires a 30% climate change increase adjustment to be applied to the design flows.

3.12 An estimation of storage volumes required has been calculated using a simplified Rational method and the results are tabulated below. This MUST NOT be used for design.

Surface type	Storage volume estimate for certain Design Storm Return Periods (assuming 51 l/s unrestricted discharge)	
	1 in 30 year	1 in 100 year (+30% CCA)
Roof areas	204.0 cu. m	469.2 cu. m
Private driveways	159.0 cu. m	368.2 cu. m
Highways	188.0 cu. m	434.6 cu. m
All combined	1024.0 cu. m	2117.2 cu. m

3.13 Sealed below ground attenuation tanks or pipes could be sited within the flood zone.

3.14 Where discharge is to the River Corve, pumped or siphoned discharge drains and / or backflow protection must be considered for extreme rainfall events to protect the proposed development.

Rainwater harvesting

3.15 Roof water can be collected and used for toilet-flushing and outdoor uses. This would reduce potable water use typically by about a third and would reduce surface water discharge. Rainwater tanks could include some attenuation.

4 Conclusions

- 4.1 The options in order and to be investigated further are:
- Disposal of all surface water to ground via infiltration techniques.
 - Partial disposal of surface water to ground in priority of private driveways using permeable paving systems; roof drainage using soakaways and carriageway using permeable paving systems.
 - Partial or complete discharge to watercourse with limited discharge and on-site storm attenuation as required in the form of large diameter trunk drains and / or offline tank storage. Attenuation could also be incorporated in rainwater harvesting tanks.
- 4.2 It should be noted that the layout should only be finalised after the drainage has been designed to ensure sufficient space is allowed for soakaways and / or attenuation.

5 Recommendations

- 5.1 Carry out infiltration tests to BRE Digest 365 across the site but outside the Flood Zones and assess the viability of soakaways.
- 5.2 If and where soakaways are viable, design the size of the soakaways for roof drainage, design the permeable paving for private driveways and consult the highway authority about the highway design.
- 5.3 Where soakaways are not viable, assess the surface water areas to be discharged to the River Corve and consult with the Environment Agency to agree discharge rates and locations and design the required attenuation.
- 5.4 Exceedance flows should also be considered and the layout of the site designed for 100 year exceedance flow to be retained on site without flooding buildings; and flooded areas have suitable escape route back to controlled discharge to River Corve.

Appendix

A – Hard surfaces area sketch plan



Committee and date
 South Planning Committee
 22 July 2014

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: Tim Rogers	email: planningdmse@shropshire.gov.uk

Grid Ref: 375155 - 306767

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Officer recommendation:-

- (i) That members 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.
Or
- (ii) Should members determine that the application be refused then that the following be considered as the reason for refusal:-
'The proposed development of 66 dwellings, in combination with the current valid planning permissions and resolutions to grant consents for a substantial number of new dwellings in Shifnal Town, would cumulatively result in development harmful to the character of Shifnal and would have an unsustainable impact upon the Town's infrastructure in respect of highway network capacity, medical facilities and school capacity. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS8 and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire'

REPORT**1.0 Purpose of the report**

- 1.1 The purpose of this report is to advise members of the potential reason for refusal of this application based on discussion at the last meeting of the Committee and to set out the associated risks with this decision for consideration by members.
- 1.2 It is essential in considering this application and the suggested reason as set out below, following the debate and 'minded to refuse' resolution at the last meeting, that members are fully aware of officer concerns relating to this decision. It must be stressed that in order to successfully defend an appeal against a refusal the Council would need to offer 'evidence' for consideration. The report below therefore also sets out the reasons why officers are strongly of the opinion that no such evidence can be provided or substantiated and that therefore there would be a significant risk to the Council in terms of losing an appeal and potentially having to meet some or all of the applicants costs.
- 1.3 This report is written in accordance with paragraph 16.4 (part 5) of the Council's Constitution.

2.0 Background

- 2.1 At the 24th June 2014 meeting of the South Planning Committee Members resolved to defer determination of this planning application reference 13/04840/FUL relating to a full application for mixed residential development of 66 dwellings and garages on land South of the A464 at Shifnal, Shropshire. Members did however indicate that they were minded to refuse the application and sought officer guidance on the wording of the reason for refusal to be considered at the following meeting

- 2.2 Based on the debate at the meeting on the 24th June 2014 the following reason is suggested by officers to properly reflect the concerns identified by members about the proposal.

“The proposed development of 66 dwellings, in combination with the current valid planning permissions and resolutions to grant consents for some 965 dwellings in Shifnal Town, would cumulatively result in development harmful to the character of Shifnal and would have an unsustainable impact upon the Town’s infrastructure in respect of highway network capacity, medical facilities and school capacity. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS8 and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.”

- 2.3 The original report to Committee for the meeting on the 24th June 2014 is appended to this report (updated with additional representations provided at that meeting)

3.0 Consideration of the proposed reason for refusal

3.1 Principle of development

- 3.1.1 The application site forms part of the parcel of 7.6 hectares of land 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). Although not being carried forward as a recommended site within the SAMDev final Plan the fact that it reached the advanced stage of the allocation process clearly demonstrates that it was accepted by the Council as a sustainable site suitable for residential development. It was not removed from the Final Plan submission because of any concerns about unsuitability per se but because some other sites were considered to be preferable.

- 3.1.2 Whilst acknowledging that there have been a number of other residential developments recently approved in Shifnal which are not on allocated or intended allocated sites, which together with SAMDev allocations will mean that a substantial number of dwellings effectively have consent, this in fact seriously calls into question how it is possible to say that the additional sixty-six now proposed will be a step to far. More importantly it also raises real queries about how the Council would demonstrate adequately that this will be the case.

3.2 Highways

- 3.2.1 The Highway issues in Shifnal, based on all the Transport Assessments submitted with planning applications and identified through work commissioned by the Council, relate to capacity issues rather than safety. Hugh Richards (Counsel) in his presentation to Members earlier this year made a clear distinction between ‘capacity’ and ‘safety’ in any attempt to counter the presumption in favour of development where there are 5 year supply issues. All the sites should not have been in the SAMDev Revised Preferred Options last year if there were fundamental, unresolvable highway safety problems. A refusal of this scheme will reduce the pot of funding available to the developing Transport and Movement Strategy for Shifnal which is intended to try and overcome identified capacity issues.

- 3.2.2 Officers will not be able to offer clear evidence to demonstrate that this proposed development will cause a significant adverse impact in terms of highway safety.
- 3.3 School capacity
- 3.3.1 With regard to infrastructure capacity, the concerns raised at the last meeting relating to school capacity would seem to ignore the consultation response specified within paragraph 4.15 of the original committee report where Planning Policy advised that any additional school places would be funded through CIL in accordance with the LDF Implementation Plan. Page 124 of that Implementation Plan makes it clear that expansion of primary and secondary places in Shifnal will come from CIL. Those schemes that have already been approved plus those to be allocated will generate substantial CIL contributions which can be used to enhance the school provision at both levels.
- 3.4 Medical facilities
- 3.4.1 The medical facilities/capacity issue is a long running matter in the town and there are sites that have planning permission for new facilities, but it is down to other agencies to deliver. More housing could help the case for Shifnal seeking greater capacity. There has been no direct representation on the planning applications on this issue from the medical authorities. Unless The Council has any specific information about which planning officers are not aware, there appears to be no evidence that Members can use to support this claim, other than third party neighbour comments about lengthy waits for appointments.
- 3.5 Details of the proposal
- 3.5.1 During the debate at the last meeting one member of the Committee made an adverse comment about the design of the houses but it must be acknowledged and accepted that 10 of the 15 house types were approved earlier this year by the Committee at Springfield Ind Estate (ref 13/03055/FUL). Furthermore at the previous site visit some members present were complimentary about the relatively low density layout, the amount of open space and the visually contained nature of the site with the established boundary planting. In reality therefore the claimed harm to character would appear to relate solely to the numbers of properties and not to aspects of this particular site. It is very difficult to see how the Council would demonstrate and defend a view that the additional 66 dwellings to the 965 committed would harm the character of the Town, when they have raised no objections to specific details of the scheme. This is however probably the most subjective issue of concern that was raised during overall debate at the last meeting of Committee.
- 4.0 Conclusion**
- 4.1 It is the purpose of CIL to address infrastructure issues and furthermore the developers are, in principle, prepared to contribute through a section 106 Agreement to address wider highways issues in the Town. In all aspects of the proposed refusal reason Members would have to be able to provide evidence, that would be subject to cross examination at appeal, as to why another 66 units is 'the straw that breaks the Camel's back' with regard to Shifnal. The adverse impacts have to be 'significant and demonstrable', not just be 'adverse' as required under paragraph 14 of the NPPF, in order to outweigh the housing supply benefits, and the presumption in favour of sustainable development. It remains officers opinion that such adverse impacts are not significant and demonstrable.

- 4.2 Notwithstanding the overall concerns of officers relating to the the issues identified by members in previous debate, and specified in the draft reason for refusal above, the Committee can clearly decide by majority that those issues are so significant and will have such an adverse impact that the benefits are outweighed. Should this be the decision then the reason as specified above is the recommended specification, though members may chose to amend or alter this as they see fit based on any of the comments set out above or any other material considerations.

APPENDIX 1



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

<u>Item</u>
10
Public

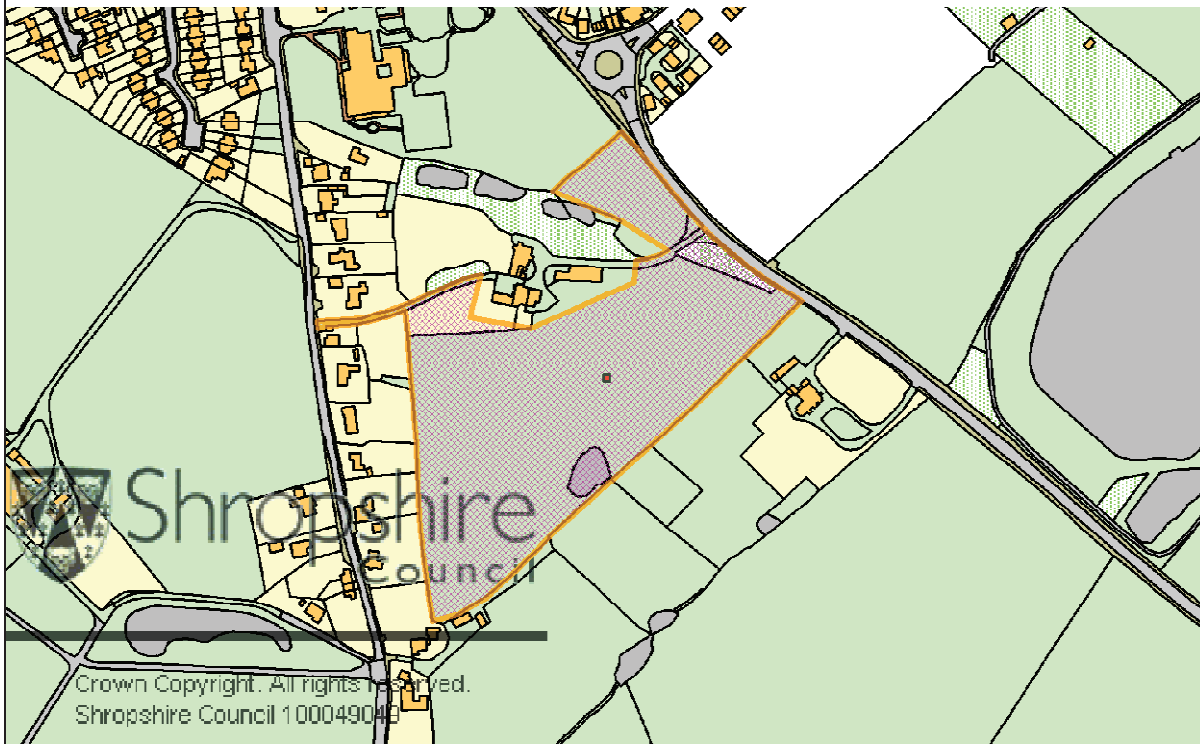
Development Management Report

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.
(Cllr Turley wishes that the Committee be advised that Shifnal does not support the Redrow development at The Uplands. After greater consultation with Shifnal, the Town Council removed (changed) their decision of July 2013 to one of rejection.)
- 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 recommended 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 with 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.
his 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 land 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 bedroomed 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



Committee and date

South Planning Committee

22 July 2014

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

Responsible Officer: Tim Rogers

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

Recommendation:- Approve as per the officer recommendation in Appendix 1

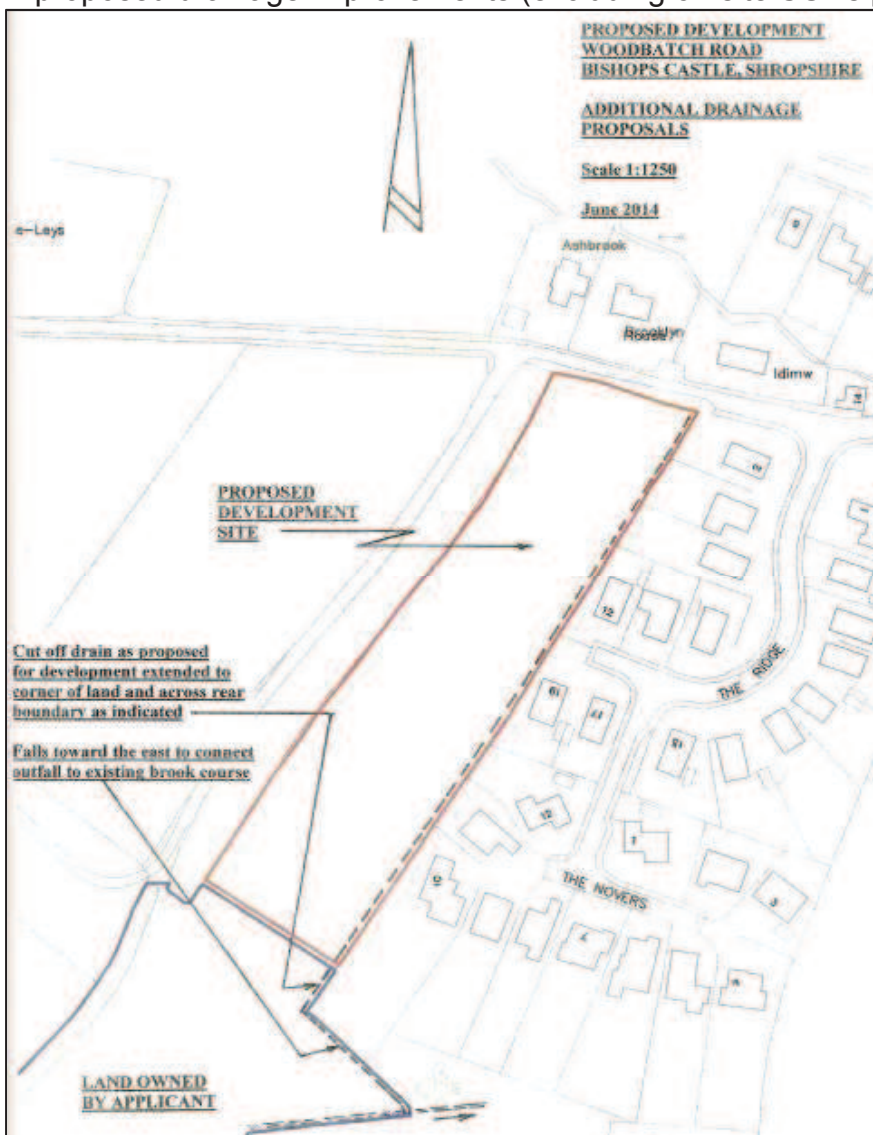
1.0 BACKGROUND TO THE REPORT

- 1.1 This application was considered at the committee meeting on 27th May 2014 and Members also visited the site on the morning of the Committee. The officer appraisal report considered at the time is attached as Annexe 1 to this report.
- 1.2 Members resolved to defer the application after hearing from speakers for and against the proposals. This was in order for the applicant to:
 - i. Review the impact and effect of the proposed development on the local road network and Conservation Area, and
 - ii. Review drainage issues and put forward mitigation measures identified as necessary.
- 1.3 These matters have been progressed in the intervening period and accordingly, the application is being reported back to the committee to allow Members to make a decision.

2. DRAINAGE

- 2.1 The Council’s drainage team did not object to the proposals subject to the imposition of appropriate drainage conditions which were included in the recommended draft conditions. However, Members heard representations at the previous committee meeting from Mr J Percy, a resident living adjacent to the development site. Mr Percy informed Members that water from the site had caused flooding underneath his property at The Novers which had resulted in soil erosion. He stated that he had dug trenches to divert the water into a stream and this had alleviated but not solved the problem. He indicated that as the land was waterlogged in winter the developers Flood Risk Assessment (FRA) should be based on winter conditions.
- 2.2 Following the committee meeting the applicant’s hydrological consultant held a site meeting with the landowner to assess these concerns. Arising from this it was agreed that a cut off drain would be provided / extended along the higher southern margin of the site on land owned by the applicant and also down the eastern site margin (see plan 1).

Plan 1 – proposed drainage improvements (excluding on site SUDs provisions)



- 2.3 The applicant's drainage consultant has confirmed that the effects of this would be to assist in providing a comprehensive drainage solution for the proposed site whilst also providing a drainage improvement for adjacent residential properties. A comprehensive drainage condition is also being recommended in accordance with the advice of the Council's Lane Drainage section. It is considered that the combination of these measures would ensure satisfactory drainage of the site whilst also providing a drainage improvement for the local area. It is concluded on this basis that the proposals comply fully with Core Strategy Policy CS18 (sustainable drainage) and that refusal on grounds of drainage could not be substantiated.

3. TRAFFIC / ACCESS

- 3.1 At the meeting of this committee on 27th May 2014 it was reported that the applicant has agreed to make a financial contribution to facilitate improvements to the junction between Woodbatch Road and Kerry Lane as part of a S106 legal Agreement. This would have the effect of prioritising traffic on Kerry Lane, resulting in an overall improvement in local highway safety. Agreement on this measure was reached shortly before the previous committee meeting and the local member Councillor Barnes expressed concern that there had been insufficient consultation with the local community on the proposals. Accordingly, the committee resolved to defer the proposals in order to allow time for relevant meetings / discussions to proceed.
- 3.2 A meeting between relevant stakeholders subsequently took place on 11th June at which highway officers were able to confirm that the proposals would result in a highway improvement. The applicant reports that this has been acknowledged by the Town Council representatives.
- 3.3 A further issue discussed at the meeting relates to the proposal to widen Woodbatch Road and provide footway provision across the frontage of the application site. An amended plan has been submitted (plan 2) which details this arrangement. The improvements would be undertaken on land within the applicant's control. As such, they are capable of being conditioned in the event of permission being granted. Highway officers have acknowledged that this would also be beneficial with respect to the current proposals.
- 3.4 It is understood that an affordable housing scheme will be progressed in an area commencing 15m to the west of the current site. This application is yet to be submitted. However, highway officers have also acknowledged that the proposed improvements to the highway frontage would have highway benefits with respect to this forthcoming affordable development.
- 3.5 Highway officers did not object to the proposals as submitted. Since this time further improvements have been agreed with the applicant in response to comments received through the planning consultation process. It is considered that the additional improvement measures referred to above provide an appropriate level of highway improvement to the local area and that refusal on highway grounds could not be substantiated, given in particular the absence of objection from highway officers. (Core Strategy Policy CS7)

Plan 2 – Highway improvements along the site frontage



4.0 CONCLUSION

- 4.1 Consideration of the application was deferred from the previous committee meeting on May 27th to allow time to address concerns in relation to drainage and highways which were raised at that meeting. Since this time the applicant has provided additional information in relation to these matters. It is considered that this information clearly indicates that drainage and highway matters are capable of being satisfactorily addressed and that refusal on these grounds could not be substantiated.
- 4.2 There have been no further representations or other significant developments in relation to the application since the previous committee meeting which would suggest the need for some further assessment by the Committee before a decision is taken. In view of this officers conclude that the proposals are sustainable and would deliver benefits in terms of highways, drainage and local housing provision. It

is therefore recommended that the application is approved in accordance with the recommendations set out in the original officer report.

5.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

5.1 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.

5.2 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.

5.3 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.

6.0 FINANCIAL IMPLICATIONS:

6.1 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.

7.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Charlotte Barnes, Bishops Castle

Appendices: Annex 1 – Officer report to 4th March Committee including Appendix 1 – Conditions

ANNEX 1

OFFICER REPORT TO 27TH MAY 2014 SOUTH PLANNING COMMITTEE



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

Application Number: 14/00885/OUT	Parish: Bishops Castle
Proposal: Outline application for mixed residential development and formation of a vehicular and pedestrian access	
Site Address: Land south of Woodbatch Road, Bishops Castle	
Applicant: Mr J M Jones	
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 and an off-site highway improvement.

REPORT

1.0 THE PROPOSAL

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

2.0 SITE LOCATION & DESCRIPTION

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1 Bishop's Castle Town Council – No comments received.

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

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

- ii. The Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 states that surface water will be collected for attenuation and storage on site prior to controlled discharge to the water course to the SE of the site at a rate limited to 5 litres per second per hectare. According to Guidance Note 12 for sites more than 10km upstream of the SAC such as this, discharges of less than 5 m³/day are regarded as having no likely significant effect. The intention is to discharge foul drainage to the existing sewerage network via a gravity connection (with details to be confirmed). As the Bishop's Castle sewage treatment plant has phosphate stripping any development of less than 10 houses, serviced by the Bishop's Castle works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the Nutrient Management Plan. Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.
- iii. Shropshire Council has considered this application under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). Shropshire Council has concluded that this application as submitted will not have a likely significant effect on the integrity of any European Designated site provided the appropriate conditions are attached to any consent (included in Appendix 1). A Habitat Regulation Assessment matrix has been forwarded to Natural England together with a copy of this memo.
- iv. Bats: Churton Ecology (2013) report that there is no potential for bat roosts in the trees on or near the site. The site hedgerows potentially provide habitat for foraging and commuting bats and link to the riparian corridor which is likely to be favoured. Illumination of the hedgerows should be avoided. A recommended condition is included in appendix 1.
- v. Great crested newt: Churton Ecology (2013) states there is one pond 300m to the north-west of the site but no mapped ponds within 250m. Only the hedgerows appear to be suitable terrestrial habitat but it is unlikely that this species is present on the site due to the overall unsuitability of habitats on and around the site. No development related impact on Great Crested Newt can be reasonably predicted and no further survey or assessment is required.
- vi. Badger: Whilst no setts were located during the Churton Ecology survey, some well-marked trails and latrines were noted in field boundaries. An informative note is recommended.
- vii. Nesting birds: The boundary hedgerows have the potential to support nesting birds. An informative note is recommended.

Public Comments

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

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

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

- ii. Drainage / Flooding: Woodbatch Road already turns into a river after every substantial rainfall. This problem has increased over the last 5 years, and would need a substantial and expensive infrastructure to prevent major damage to existing as well as new properties. This sort of problem is surely one which we have learned to avoid, this of all years. We are concerned that the issues regarding drainage haven't been fully thought through. Drains already unable to cope with water run off environment agency called when culvert often blocked. Flooding occurs on a regular basis and will affect the application site as it lies at the bottom, bottom being the operative word, of a field which acts as a water catchment area exacerbated by annual up and down ploughing, rather than ploughing along the contours. This means that whatever clever works are carried out to temporarily capture it this water will inevitably be fed much quicker into existing water causes and lead to flooding of existing properties below and beyond the site. I have concerns over the surface water drainage, as the open ditch alongside the boundary and crossing the corner of the development constantly floods during heavy rain. A new development with all its surface water will only increase this problem. I am aware of properties on the Ridge estate suffering from surface water run-off problems from the proposed development site so any developer would need to increase load on open ditch and following culvert to ensure there is no increase in the flood risk to these properties; which in my opinion the open ditch/culvert would not be sufficient, leading to an increase in flooding.
- iii. Site choice / principle: There are much more suitable sites available. There are many fields adjacent to the main roads around Bishop's Castle, would they not be a more sensible place to build new houses? The SAMDev consultation process which is currently being finalised clearly shows that the preferred location for residential developments of this scale should take place on sites to the north west of our town. This would enable easier access to the main trunk road (the A488) and minimise the volume of additional vehicular traffic having to travel through the town's narrow streets. The proposed development involves the provision of 8 market value houses

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

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

impediments which would prevent its development 'my information is that either the Applicant or his Agents have not fully considered whether the applicant owns or has control of all necessary rights to gain unimpeded access to the site or lay and make the necessary drainage connections.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

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

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

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

6.1.3 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to remain until the SAMDev is adopted. Legal caselaw has established that whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these

policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward which developments which might not otherwise succeed when the SAMDev is adopted.

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

6.2 Environmental Considerations

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. Whilst these concerns are noted it is not considered that the proposed development of up 10 houses in this location 500m from the geographic centre of Bishop's Castle would be likely on its own to add to an unsustainable increase in levels of traffic locally. The Applicant has provided indicative access and layout plans which suggest that a safe access compliant with relevant highway visibility standards is capable of being achieved. The applicant has also agreed to fund the provision of a priority junction where Woodbatch Road meets Kerry Lane 220m east of the site, to ensure a safer arrangement at this important junction. Adequate pedestrian provision exists between the site and the centre of the town which begins 500m to the east. Exact details of the junction and internal access roads would be provided at the reserved matters stage. Highway officers have not objected and it is considered on balance that refusal on highway or access reasons could not be justified at this outline stage. (Structure Plan Policy CS7).
- 6.2.2 Ecology: An ecological survey confirms that this existing agricultural field has limited habitat interest. The Natural Environment section has not objected subject to the inclusion of appropriate informative notes referring to ecological interests on any decision notice. The site is located in the Clun Catchment, part of which incorporates a Special Area of Conservation (SAC). A Habitat Risk Assessment (included as Appendix 2) concludes that there would not be any adverse impacts on the ecological interests of the SAC if the development was restricted to 9 properties as adequate phosphate stripping capacity is available to deal with any effluent from

the development at Bishop's Castle Sewage Treatment Works. The applicant has confirmed on this basis that a condition restricting the development to 9 properties would be acceptable. Landscaping is proposed and would add to overall levels of biodiversity within the site. The proposals therefore comply with Core Strategy Policy CS17.

- 6.2.3 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse due to replacing agricultural field with less permeable surfaces. It is understood that there are some drainage limitations locally along the eastern side of the site adjacent to existing residential property which is at a lower level. The applicant has confirmed that interceptor drains would be provided along this margin in order to remove any water ingress from higher ground and that a similar arrangement would apply on the site's western margin. A sustainable drainage system (SuDs) would be adopted, including the use of features such as permeable surfacing and oversized pipes. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.4 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package/biodisc treatment plant at the site would however exist if a main sewer connection was not possible, subject to a separate planning permission. (Core Strategy Policy CS8, CS18)
- 6.2.5 Visual amenity: The proposed site is located 820m north east of the AONB but would not be directly visible from the AONB due to the presence of an intervening ridge. The ground level varies between 200 and 210m Above Ordnance Datum which is higher than the adjacent residential area and the main town but comparable to the elevation of the Castle Green area to the north. The proposals involve landscape planting and the applicant has agreed to consider specifying bungalows or 1½ height houses given the elevation of the site and the characteristics of adjacent residential development. The level of the development platform for the site and the detailed appearance of the properties would also be important considerations in terms of visual amenity and would be confirmed at the reserved matters stage. It is however considered that a properly designed scheme would be capable of integrating visually with the surrounding landscape / townscape. It is

concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)

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

6.3 Economic sustainability:

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

6.4 Social sustainability:

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

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

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

7.0 CONCLUSION

7.1 The proposal would involve the development of up to 10 dwellings on the existing edge of Bishop's Castle. The site is not being put forward as an allocation in the emerging SAMDev but is in a sustainable location close the centre of Bishop's Castle and associated goods and services. A number of objections have been received from local residents. However, it is considered that these matters can be

addressed by appropriate planning conditions. In the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management:

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry. If the decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds for making the claim first arose. Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights:

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities:

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

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any

decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

Relevant Planning History

None of relevance to this proposal

Central Government Guidance:

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

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

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

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

10.2 Core Strategy:

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

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood

risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

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

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and

the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing* Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains.* Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

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

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;

- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

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

10.3 Emerging Planning Guidance

10.3.1 SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

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

ii. MD2 – Sustainable Design

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

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
 - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
 - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the

requirements of the SuDS handbook as set out in the Water Management SPD 5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including; i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and; ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses; iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity. 6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design; 7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

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

Renewing permission:

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

Matching the settlement housing guideline:

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

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
2. Dwellings to house essential rural workers will be permitted if:-
 - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
 - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,
 - c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had

been previously extended or a larger replacement is approved, permitted development rights will normally be removed;

5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
 - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
 - b. the dwellings are restricted as affordable housing for local people; or,
 - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.

v. MD7b – General Management of Development in the Countryside

Further to the considerations set out by Core Strategy Policy CS5:

1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;
3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
 - a. Required in connection with a viable agricultural enterprise and is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

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

New Strategic Infrastructure:

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

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

vii. MD12: The Natural Environment

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

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;
 - ix. landscape character and local distinctiveness.

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

S2: Bishop’s Castle Area

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

11. ADDITIONAL INFORMATION

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

APPENDIX 1

Legal Agreement

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

Planning Conditions

STANDARD CONDITIONS:

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

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

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

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

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

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

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

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

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

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

Notes:

- i. *Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
 - ii. *The applicant should consider employing measures such as the following:*
 - *Swales*
 - *Infiltration basins*
 - *Attenuation ponds*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*
 - iii. *Consent is required from the service provider to connect into the foul main sewer.*
5. The proposed foul water drainage shall be installed in accordance with the Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 prior to the first use of the development hereby approved.

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

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

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

7. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

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

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

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

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

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

Notes:

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

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

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

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

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

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

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

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

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

Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

14/00885/OUT

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

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

Date of completion for the HRA screening matrix:

14th April 2014

HRA screening matrix completed by:

Alison Slade
Planning Ecologist
Shropshire Council

01743 252578

alison.slade@shropshire.gov.uk

Table 1: Details of project or plan

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

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

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

CONNECTION TO MAINS SEWAGE TREATMENT WORKS

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

According to the Interim Guidance Note:

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

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

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

Conditions:

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

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

2. The outline permission hereby approved is for a maximum of nine dwellings.
Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

The Significance test

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

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

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

The Integrity test

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

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

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

Conclusions

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

Guidance on completing the HRA Screening Matrix**The Habitat Regulation Assessment process**

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

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

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

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

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

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

Habitat Regulation Assessment Outcomes

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

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

Duty of the Local Planning Authority

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

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Recommendation:- That members Grant Permission as a departure and subject to the conditions set out in Appendix 1 of this report 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 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members on the potential reason for refusal of this application and to set out the associated risks with this decision for consideration by members.
- 1.2 This report is written in accordance with paragraph 16.4 (part 5) of the Council's Constitution. The original report to the June meeting, updated to include the comments on the additional representations sheet presented at that meeting, may be found at Appendix 2.

2.0 BACKGROUND

- 2.1 At the 24th June 2014 meeting of the South Planning Committee Members resolved to refuse planning application reference 14/01016/0UT relating to Outline application (access for approval) for mixed residential development at Land Off Oldbury Road Bridgnorth Shropshire, contrary to the officer recommendation.
- 2.2 Where any proposed refusal reason may not be defensible if challenged, and may result in a costs claim by the applicant at appeal, the Constitution requires the Committee to review the refusal reasons with officer advice on their potential wording and risks associated with the decisions. The final decision on the application still rests with the South Planning Committee. The refusal reason put forward by the Committee is as follows:
- 2.3 *The proposed development would have a detrimental impact upon the character and appearance of the Oldbury Conservation Area and its setting through the erosion of the rural character of the north eastern approach to the village by built development on this site, and the loss of a visually prominent section of roadside hedgerow and trees. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 131, 135 and 138 of the National Planning Policy Framework (NPPF) and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.*
- 2.4 At the time the Committee made a decision on this application the press advertisement advertising the application as a departure still had 14 days to run, preventing the decision notice from being issued straight after the meeting. A Heritage Impact Assessment has subsequently been submitted by the agent in the period prior to the expiry of the press advertisement. This information has a material bearing on the refusal reason put forward by the Committee at the previous meeting. In order to minimise the potential risk to the Council of a successful challenge to a decision it is therefore considered that the Committee

should have regard to this information prior to a decision being issued on this application.

2.5 In addition to the information submitted by the agent the occupier of the adjacent property 'Eversley House' has subsequently submitted the following comments:

1. There is a Sycamore tree with an individual TPO (tree 24) which lies within the visibility splay to the extent that the stem is very close to edge of the road side hedge. We own this tree and the hedge and thus these cannot be removed to create a visibility splay.

2. If the visibility splay cannot be or is not intended to be created then the Highways Agency will need to reassess the site for safety. The proposed access to the site is on a blind bend and traffic approaches at speed down the hill from the west/ south-west. This may pose a serious risk to life of the public in the village and of the proposed development.

3. The Heritage Impact Assessment appears to have been produced in a rush as there are several inaccuracies and I have to mention the appalling spelling of Eversley House as "Eversleigh" and the factually incorrect assumption that Eversley House is composed of three flats. We have worked tirelessly to restore it to its previous grandeur as an individual house of designation and it will soon receive a plaque commemorating the outstanding work of the Aviation Design Pioneer, John Dudley North who lived at the house from 1936 - 1968. Will the local authority/council be fulfilling its obligation to reassess the Conservation area as detailed in Section 69 (2) of the 1990 Planning Act to re-establish/assess the importance of the Oldbury Conservation area?

2.5 The proposed refusal reason and the additional information submitted are considered below with an officer commentary.

3.0 OFFICER COMMENTARY

3.1 A Heritage Assessment has been submitted by the applicant and the Conservation Officer has provided the following response:

SC Conservation comments (04.07.14): Previous comments were made on the 03/04/14. It was suggested that any reserved matters application should address the impact of the development on the Conservation Area and designated and non designated heritage assets. A Heritage Impact Assessment has now been provided and concludes that '*The obvious benefits that would accrue from the development in terms of housing provision – especially given the local authority's failure to meet the five year building stock quota – more than outweigh any of the minor impact the proposed development would have on any designated or non-designated heritage assets, their character, or setting, or significance.*'

As noted previously as the application is only in outline only the principle of development can be considered, with no details of layout, size or design no detailed comments can be provided on those aspects of the development and comments can only be made on the information provided.

As previous comments outlined, 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. Any development within or adjacent to the Conservation Area has the potential to impact upon its setting therefore layout, size, design and the use of green space will be key to ensure any new development proposals fit within their setting. Development proposals should aim to protect and enhance the Conservation Area.

The planning officer's previous appraisal of the proposal considered the impacts of the development as follows:

'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.'

It is considered that this is an accurate appraisal and therefore proposals should be supported.

- 3.2 It is clear that the Conservation officer agrees with the officer recommendation and supports this application and at the same time concurs with the conclusion within the Heritage Impact Assessment submitted. This assessment confirms that there is no Conservation Area Appraisal for the Oldbury Conservation Area and there has been no official review of the conservation area or its boundary since it was first established in 1981. Since its designation the Conservation area has been significantly altered by the construction of the by-pass and modern developments including the recent suburban 'Fells Orchard' development opposite the application site. Limited weight can therefore be given to the Conservation status and as no Conservation Area Appraisal has ever been prepared there is no description of the special architectural or historic interest that contributes to the character and appearance of the Conservation Area to assist in the assessment of the impact of the proposal on the Conservation area and its setting.
- 3.3 The Conservation Officer has suggested that the rural nature of this site at the north eastern entrance to the village contributes to the character of the village. However the approach to Oldbury from the Bridgnorth direction has already been altered by the construction of the by-pass and the new development in the vicinity of the site, and when travelling in the opposite direction the site is screened from view by Eversleigh House and its surrounds. Officers consider (and the Conservation Officer agrees) that the loss of an agricultural field, and a short length of hedgerow and trees that contribute to the semi-rural nature of the edge of Oldbury would not result in significant demonstrable harm to the character and appearance of the Conservation area and wider landscape that would outweigh the

benefits. Furthermore in the absence of an appraisal when it was designated in 1981 and with no subsequent review since its designation little weight can be given to the Conservation area status. In view of the recent developments near to the site it would also be difficult to support the view that the *'proposed development would have a detrimental impact upon the character and appearance of the Oldbury Conservation Area and its setting'*.

- 3.4 With regards to the matters raised by the neighbour about the impact on the hedgerow and trees in front of Eversley House it should be noted that the Councils Arboriculturalist considered (and was reported to Members in the committee report) 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'.

Members reason for refusal refers to *'the loss of a visually prominent section of roadside hedgerow and trees'*. In view of the Tree officer comments it would be difficult to defend this aspect of the reason for refusal. Furthermore officers are concerned that Members (and the public) may have misinterpreted the proposed plans, including the tree protection plan, when reaching their decision regarding the length of hedgerow proposed to be removed. These plans indicate that the *'hedgerow vegetation within the visibility splays'* will be removed. Highways confirmed within their consultation response that the proposed visibility splays as shown on the submitted Proposed Block Plan (Drawing no. 3907/03) are acceptable. The visibility splays or sight lines indicated on this plan are also on the Root Protection plan as a red dotted line and the existing hedgerow and trees in front of Eversley House are situated behind this line. The hedgerows, and trees, either side of the development frontage (including those in front of Eversley House) are therefore not required to be removed to create the visibility splays and the *'removal of hedgerow vegetation'* only refers to the removal of any vegetation on the highway verge and footpath and growth of the hedge forward of this part of the visibility splay. Only the hedgerow directly in front of the application site in the ownership of the applicant is required to be removed. An email from the applicant received 18.06.14 confirms this and was part of the correspondence reported to members at committee. A second email has also been received from the agent in response to the neighbours comments that confirms that tree 24 is located behind the neighbours hedge which abuts the public footpath and that appendix 5 in Thomas Consulting Ltd's Highway, Drainage and Flood Risk Assessment confirms that the visibility splays do not cross third party land save for the adopted highway (footpaths). The trees and hedgerow in front of Eversley House are not indicated to be removed and are not required to be removed as part of this proposal and in any case consent would need to be obtained from the landowner to do so.

4.0 **CONCLUSION**

- 4.1 Officers respectively request that members reconsider whether they wish to refuse this application for the refusal reason given as it would be difficult to defend at appeal in light of the Heritage Impact Assessment submitted, the lack of a Conservation area appraisal or any review since 1981 and Conservation Officer

support for the Officer recommendation and no objection from the Councils Arboriculturalist.

4.2 In addition the applicant wishes to offer the following alternative planning conditions and this was reported verbally to members at the June committee:

2. *Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 12 months from the date of this permission.*

3. *The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 12 months from the date of approval from the date of approval of the last of the reserved matters to be approved, whichever is the later.*

This clearly indicates that this is not merely speculative development but that the applicant intends to commence development soon which demonstrates deliverability of the site within 5 years complying with the NPPF requirements

4.2 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 short length of hedgerow and trees that contribute to 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 and some 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 and that the proposed method of removal would not damage adjacent protected and other retained trees and hedgerow. 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.

5.0 Risk Assessment and Opportunities Appraisal

5.1 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.

5.2 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.

5.3 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.

6.0 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.

7.0. Additional Information

List of Background Papers:

Planning File 14/01016/OUT
Report to 22 June 2014 South Committee
Minutes of 22 June 2014 South Committee
Heritage assessment

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member(s)

Cllr John Hurst-Knight
Cllr Les Winwood

Appendices

APPENDIX 1 – Conditions
APPENDIX 2 - Officer report to 24 June 2014 Committee

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 12 months 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 3 years from the date of this permission or before the expiration of 12 months 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 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, 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.

APPENDIX 2



Committee and date

South Planning Committee

24 June 2014

Development Management Report

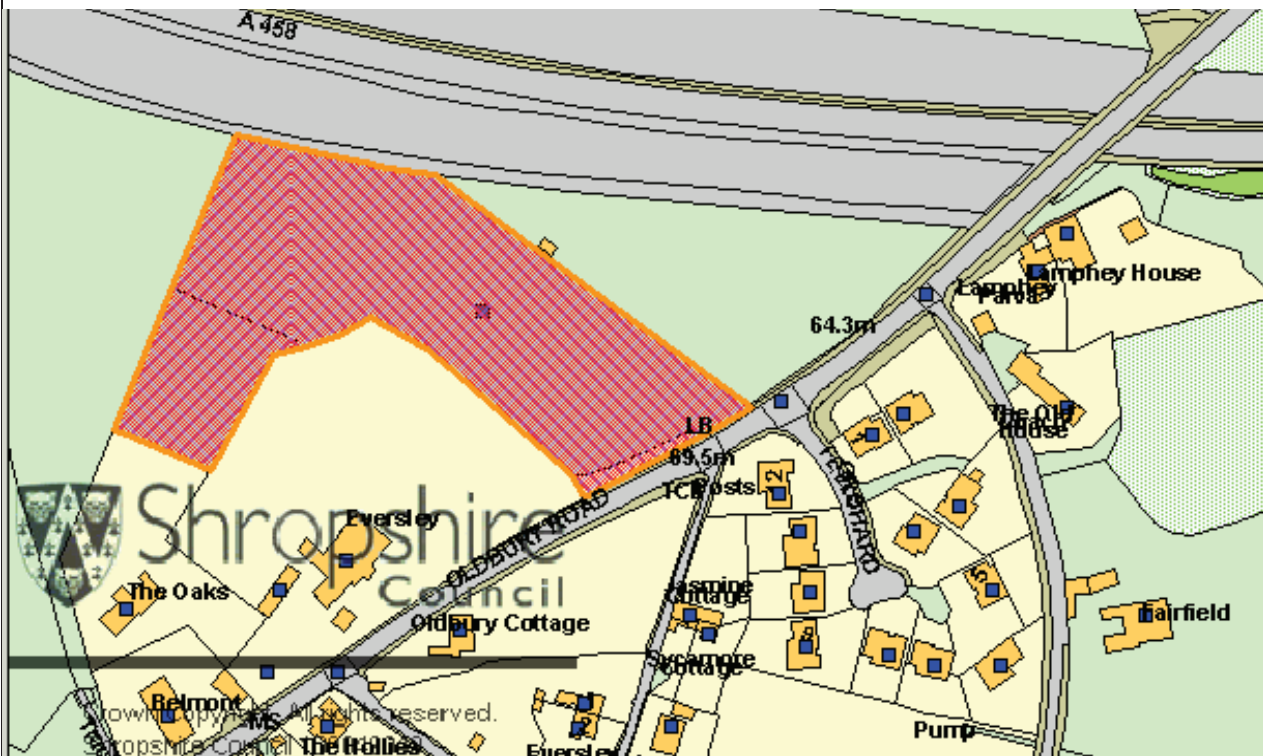
Responsible Officer: Tim Rogers

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.
- Request deferral so can seek professional advice on Officer recommendation.
- The issue here, taking account of the undue weight given to sections of the NPPF by the Planning Officer, is whether the site for which access is applied is a sustainable location. In our previous comments (Bridgnorth Civic Society) clearly set out the reasons why this is demonstrably not so, looking at the three sustainability dimensions for sustainability in the NPPF. Consider the applicants flimsy arguments count for little. The application would remove a long stretch of hedgrows, including mature trees and seriously

damage the character and setting of the Conservation Area. Approval would undermine the Policy whereby Oldbury has not been considered a suitable location for development since the Conservation Area was established. It is not a sustainable application and urge the Planning Committee to turn it down.

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.

6.4.2 Letter submitted with land registry documents as proof of ownership of the whole application site by the applicants. The agent comments that all the land in their client's ownership can accommodate all of the development proposals including visibility splays as required by the Shropshire Council Highways department.

6.5 Others material considerations

6.5.1 **Trees** – The Councils Arboricultuarlist 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 Arboricultuarlist 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

11. Additional Information

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

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 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, 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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Committee and date

South Planning Committee

22 July 2014

Development Management Report

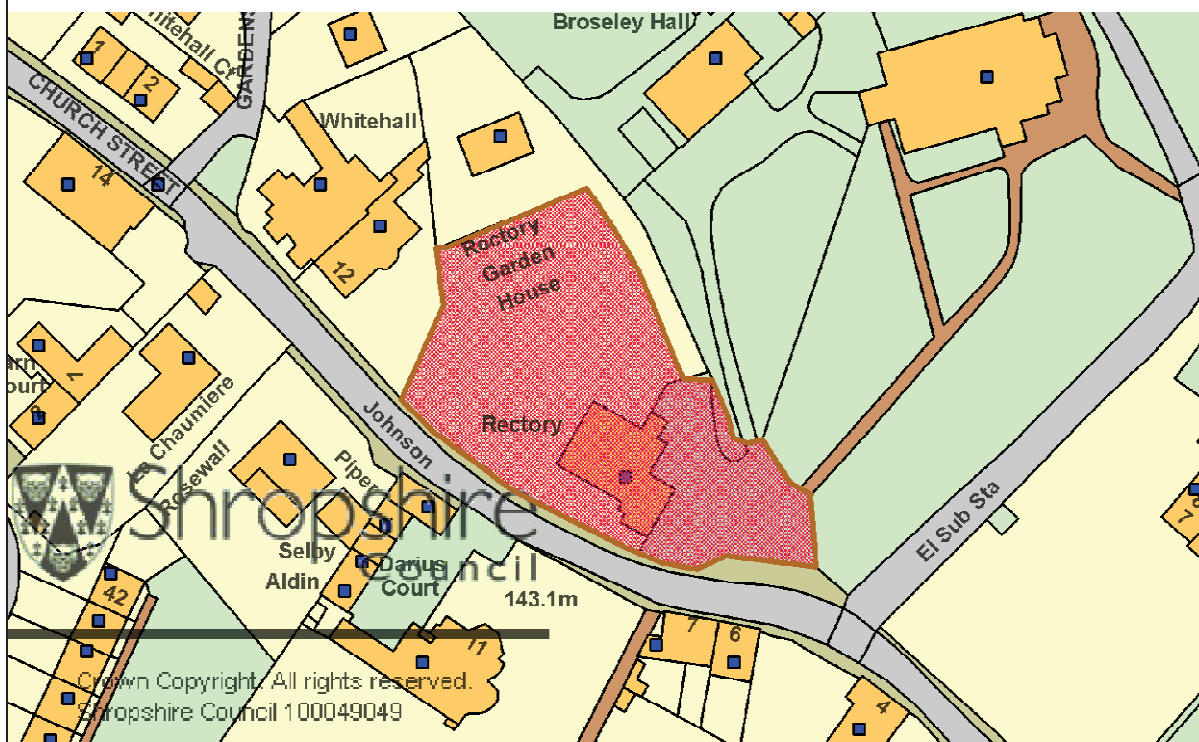
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/01393/FUL	Parish: Broseley
Proposal: Erection of rectory; improvements to existing rectory; repositioning of boundary wall; and formation of vehicular access	
Site Address: The Rectory Church Street Broseley Shropshire TF12 5DA	
Applicant: The Diocese Of Hereford	
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk

Grid Ref: 367832 - 301469



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application is for the erection of a 2 storey dwelling for use as a Rectory for the Diocese of Hereford on garden land adjacent to the existing Rectory, at Church Street, Broseley. The proposal also includes the partial demolition of the roadside boundary walling and its reconstruction and realignment to improve visibility along with the reconfiguration of on site car parking facilities. Improvements to the existing Rectory, primarily the removal of two single storey flat roofed extensions and a swathe of existing frontage tarmac, will also be carried out.
- 1.2 The proposed dwelling is designed in accordance with guidelines produced by The Church Commissioner to provide fit for purpose clergy housing of a consistent standard. It is therefore proposed to accommodate a lobby, WC, study, hall, dining room, kitchen, living room, utility and garage and ground floor level, and a bathroom and 4 bedrooms, 1 with ensuite at first floor level. The proposed footprint equates to approximately 145m². The proposed dwelling is designed as a Georgian style property with a hipped roof, single storey utility and garage to the north east side and columned portico entrance to the south east facing front elevation. Construction materials of facing brick, natural slate roof tiles and timber doors and windows will be to Local Planning Authority approval. Plot boundaries will be defined by brick walls and close boarded timber fencing. The existing tarmac access/parking area will be replaced with a bound gravel surface with permeable cobble parking bays and soft landscaping. Foul sewage will be disposed of to the mains sewer and surface water via a sustainable drainage system. It is indicated that 1 Silver Birch Tree and a group of conifers will be removed to facilitate the development.
- 1.3 This application seeks to address the issues of concern raised in relation to Planning Ref: 12/02112/FUL refused on 12th September 2012, on the following grounds:
1. *The proposed development, by reason of the loss of the historic open setting to the adjacent listed buildings through the introduction of a substantial dwelling within the garden area, along with the loss of the existing boundary wall to the street, would not make a positive contribution to local character and distinctiveness and would detract from the character and appearance of the Broseley Conservation Area, contrary to Shropshire Core Strategy policies CS6 and CS17 and the advice set out in section 12 of the National Planning Policy Framework.*
 2. *The proposed development, by reason of the juxtaposition of the proposed dwelling with the existing dwelling to the north, would detract from the living conditions of that existing dwelling through overbearing impacts and loss of privacy, contrary to Shropshire Core Strategy Policy CS6.*

Modifications include the alterations to the access and additional screen planting to reinforce the boundary around the north, north west and south east sides.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within the Key Settlement of Broseley to the south east of the main central shopping area and is within Broseley Conservation Area. It is accessed directly from Church Road to the south east side via the B4373 Ironbridge Road to the east. The Broseley Conservation Area has several different character areas which derive from its growth from a large medieval village to being an area associated with the Industrial Revolution. The site is located in an area which was once the centre of the Medieval village and is characterised by a fairly formal development pattern with a mix of large and mid scale buildings fronting onto Church Street and largely set within their own grounds. The existing Rectory, although not a recent building, does not contribute positively to the character of the area due to its oddly positioned single storey extension and a forecourt which removed the emphasis on the gateway to the churchyard which once existed. There are several Listed Buildings within the immediate vicinity including Grade II Listed, 3 storey Broseley Hall (mid C18) to the north, Grade II* Listed 'The Lawns' to the south, Grade II* Listed All Saints' Church (1845) and Grade II Listed, 3 storey 'Whitehall' (early C18) to the north west.

2.2 The application site forms the northern side of the rear garden of the existing Rectory. It is flanked on its north east side by an access drive leading to 'The Rectory Garden House' to the north, a 2 storey property constructed as a replacement dwelling following Planning Permission Ref: BR/APP/FUL/08/0463 granted on 30th October 2008. On the north side of this access is Broseley Hall. The west side of the garden has a greater level of mature landscaping including some mature trees which already provide effective screening of 'Whitehall'. Similarly, mature trees to the north east within Broseley Hall but along the churchyard boundary break up the views of All Saints' Church from the site. The majority of the The Rectory's rear garden is laid to lawn and is level. The existing access is across a wide tarmacked parking area form access is gained into The Rectory, Broseley Hall, All Saint's Church and 'Rectory Garden House'.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Broseley Town Council – No objections

4.1.2 SC Conservation - Previous detailed discussions have been held with Conservation Officer Matthew Knight to work through the details of this application. From a conservation perspective the details submitted are acceptable.

- 4.1.3 SC Archaeology - The proposed development site is located within 50m of two Grade II* Listed Buildings. No 11 (The Lawns), Church Street, Broseley (National Ref: 1053900) is the former home of John Wilkinson, the ironmaster and associate of Boulton and Watt and Church of All Saints, Church Street (North Side) (National Ref: 1053895) rebuilt in 1845 on earlier origins. An archaeological desk based assessment provided as supporting documentation for the application, makes reference to earlier buildings relating to phased development of the rectory site and a tenuous connection with early railways in the district.

The proposed development site can therefore be deemed to have a moderate level of archaeological potential. In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, that a programme of archaeological work be made a condition of any planning permission for the proposed development is recommended.

- 4.1.4 English Heritage - As the development site is adjacent to the Grade II* Listed Church of All Saints we advise you to consider whether the proposals may have an impact upon the setting of this Listed Building and the Conservation Area. If you are minded to grant permission, conditions should be imposed requiring your council's prior approval of architectural details, materials and finishes.

- 4.1.5 SC Highways – In the consultation response to previous applications on this site it was recommended that the visibility towards the town is improved for drivers emerging from the existing access point onto Church Street. Currently visibility is restricted by a high wall at the back of the footway, but earlier recommendations that this was lowered in height to improve the situation proved unacceptable for conservation reasons.

It is considered that the scheme now proposed would produce a lower number of increased vehicle movements than the previous one and these would effectively amount to only those associated with a single additional dwelling. Having consideration for the level of vehicle movements currently using the access in association with the Church, the existing Rectory and Broseley Hall, these movements would only represent a relatively small percentage increase. The scheme includes an amendment to the highway boundary wall that improves visibility towards the town and it is considered that this level of improvement would be adequate to compensate for the increased level of vehicle movements.

Although the improvements to the visibility along Church Street from the access proposed by the current scheme do not produce the level of improvement previously recommended, it is considered that they are a satisfactory solution without the development compromising highway safety.

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

- 4.1.6 SC Drainage - Details, plans and calculations of soakaway design and percolation tests could be conditioned if Planning Permission were to be granted.

4.1.7 SC Affordable Homes (14-04-14) - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The current affordable housing contribution rate for this area is 15%. The applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed.

SC Affordable Homes (27-05-14) - Please ensure that if an occupancy condition is removed in later years then the affordable housing contribution will be based on the total floor area as per the scenario with agricultural dwellings and conversions (SPD). Could this be added as an informative note on the decision notice.

4.2 - Public Comments

4.2.1 Five letters of public representation have been received expressing concern. These are available to view in full online, but are précisised as follows:

- o The Church already has a vicarage and they don't use it.
- o The new proposal does not substantially address the issues raised in relation to the previous proposal.
- o A similar application has already been declined, it is a shame the Church cannot accept the consensus of local opinion.
- o The majority of attendees at a public meeting held in the Church were against the proposal and could not see why the existing building could not be adapted.
- o I can see no justification for introducing a modern property into the garden of a Georgian property within an area with so much architectural history.
- o The present Rectory garden is in keeping with its size, to use a large proportion of it would destroy the balance.
- o A new build does not add anything to the ambience of the Conservation Area, and detracts from this historic corner of Broseley.
- o The introduction of a large substantial house will lead to the loss of the historic open setting to the adjacent Listed Buildings and a section of the boundary wall on Church Street.
- o Whilst the quantity of street boundary wall to be removed is reduced, the rupture of the unbroken boundary wall line along the street would cause significant alteration to the character and appearance of a very public structure.
- o Parking in and around the Church will not be helped by adding a new property and its extra traffic.
- o Church Street is an extremely busy road which suffers greatly and dangerously when there is a service of any kind in the Church.
- o The new build will have an impact on our enjoyment of our home and garden.
- o There remains overbearing impacts and loss of privacy on the dwellings to the north, Piper & Johnson on Church Street and The Rectory itself.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on the surrounding Conservation Area
- o Impact on neighbours/residential amenity
- o Access.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Broseley is identified within the Shropshire Council LDF Core Strategy Policy CS3 as one of the market towns and other key centres in Eastern Shropshire which will maintain and enhance its role in providing a focus for development and for providing facilities and services to its rural hinterland. New housing provision of a scale and design that respects each town's distinctive character is one of the types of development potentially acceptable within the development boundary of a CS3 settlement. 'Saved' Policy H3 of the Bridgnorth District Local Plan also supports residential development on appropriate sites within Broseley's development boundary, including on unallocated sites and remains in force until the adoption of the Site Allocations and Management of Development (SAMDev) document.

6.1.2 LDF Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities. An integrated and balanced approach to new housing will be achieved by amongst other aspirations, supporting the provision of housing for specialist housing provision in appropriate locations where there is an identified need. This proposed Rectory for use by allocation of The Diocese of Hereford is specialist housing which will be restricted by an occupancy condition in the same way that an agricultural worker's dwelling is restricted in accordance with paragraph 3.4 of the SPD Type and Affordability of Housing. However, due to the proposed and justified size of this property, it is not considered appropriate for it to automatically revert to an affordable dwelling if the occupancy condition were to be removed in the future. Therefore should the Diocese seek to remove the occupancy condition in the future, a financial contribution would then be required in lieu of the house becoming an affordable dwelling.

6.1.3 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built and historic environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. By its design, scale, character and positioning, it is not considered that the proposed dwelling would be detrimental to local character or distinctiveness of the historic environment nor adversely impact on the amenities of adjacent neighbours.

- 6.1.4 Permission was granted for the 'Erection of a replacement parsonage' on the site under Planning Ref: BR87/0011 on 5th March 1987, but not implemented.
- 6.1.5 For the reasons given above, the principle of the development is considered to be acceptable.
- 6.2 Design, scale and character
- 6.2.1 As already noted, the character of the area is defined by larger dwellings set within their own grounds and addressing the street. However, the proposed dwelling is not felt to impose sufficiently to significantly alter this character in that the remaining plot for the existing Rectory will still either equate to or be larger than some of the adjacent and historic dwellings such as at 'Whitehall', as will the proposed new Rectory plot. Whilst the scale of the 3 storey properties at Broseley Hall, 'Whitehall' and the existing Rectory is larger than the proposed dwelling, the 'Rectory Garden House' to the north is smaller as are several of the cottages across Church Road to the south east are smaller. The scale of the proposed new Rectory is therefore an appropriate step between the varying scales in the vicinity without obviously creating a plot size and building that is not in keeping with the built environment.
- 6.2.2 It is difficult to see how the design proposed would not fit into the surrounding environment. The square shaped Georgian style building demonstrates a classic design including features which are prevalent in the area and have contributed to its Conservation Area status. Design elements are included which are also present on adjacent Listed Buildings such as the multi-paned portrait windows with feature brickwork, the hipped roof with chimney, the rear bay window, and the elaborate front entrance. The overall appearance of the proposed dwelling is of a traditional symmetrical Georgian town residence with pyramidal pitched roof, well balanced fenestration detailing and its generous rectangular garden to the rear.
- 6.2.3 Whilst the proposed dwelling does not directly address the street as do so many of the surrounding dwellings in that it will not be directly adjacent to the road, its orientation emulates that of the Rectory Garden House to the north, and its frontage will face towards the access from Church Road from which it will be partially visible.
- 6.3 Impact on the surrounding Conservation Area
- 6.3.1 Other than the careful control of construction materials to ensure a high quality build, neither SC Conservation nor English Heritage find the proposal unacceptable.
- 6.4 Impact on neighbours/residential amenity
- 6.4.1 It is considered that any overbearing or overlooking impact on adjacent neighbouring dwellings from the proposed new Rectory will be minimal due to the separation distances between the dwellings, the existing mature landscaping and the additional natural screening proposed.
- 6.4.2 The new Rectory is proposed to be sited approximately 8m from the existing Rectory in a set back position where windows on the south west facing side elevation will not overlook the private outside amenity space directly to the rear of

that existing dwelling, nor is the proposed south west facing side elevation positioned on the boundary, but a maximum of 6.75m from it. The 2 storey part of the proposed dwelling is 20m from the front elevation of the Rectory Garden House and new planting along the boundary is proposed to increase the level of screening between them. All other adjacent dwellings are over 20m away from the elevations of the proposed development.

6.5 Access

6.5.1 The repositioning of the boundary wall in association with the access does provide a level of improvement to the visibility along Church Street from the access which is satisfactory, although not to the level originally desired. However, in this case the partial demolition of the roadside boundary wall and its reconstruction and realignment to improve visibility taken together with the removal of the expanse of existing tarmac and its replacement with bound gravel, permeable cobbles and soft landscaping will significantly improve this aspect of the site within the Conservation Area. Therefore, essentially these alterations are a compromise which is felt to contribute positively to the character and appearance of Broseley Conservation Area, whilst enhancing highway safety.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies as it is of a high quality design on an appropriate site which by its scale, appearance and plot size respects the context of the surrounding built and historic environment. Satisfactory separation distances exist between the proposed development and surrounding buildings for residential amenity to not be adversely impacted on. Additionally, the improvements to the existing Rectory and the site frontage/access will visually and physically benefit the wider area and street scene.

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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS3 Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing

H3 Residential Developments In Main Settlements
D6 Access And Car Parking

Broseley Town Council Town Plan 2013 -2026

RELEVANT PLANNING HISTORY:

12/02112/FUL - Erection of rectory; improvements to existing rectory; repositioning of boundary wall; and formation of vehicular access. Refused 12th September 2012.

09/00038/TCA - To crown reduce by 30% 1No. mature Acacia, to fell 1 No. Acacia, 4 No. Damson, pollard 2 No. Hazel and crown thin, crown reduce 4 No. Prunus within Broseley Conservation Area. No Objection 12th May 2009.

BR/87/0011 – Erection of a replacement parsonage. Granted 5th March 1987.

11. Additional Information

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 received 27th March 2014.

Copy Letter from Bridgnorth Area Office received 27th March 2014

Copy Letter from Historic Environment received 27th March 2014.

Copy Letter from Private Sector Housing received 27th March 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Dr Jean Jones

Appendices

APPENDIX 1 - Conditions

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 by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority.

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

4. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

5. No development shall take place until percolation tests have been carried out and soakaways designed in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development. Surface water should pass through a silt trap or catchpit just prior to entering the soakaway to reduce sediment build up within the soakaway.

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

6. No development approved by this permission should commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

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

7. 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.

8. No development approved by this permission shall commence until details of all walls, fences and hedges shall have been submitted to and approved by the Local Planning Authority. The approved details shall be thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

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

9. The access shall be amended in accordance with the approved drawing prior to the dwelling hereby approved being first occupied.

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

10. 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.

11. The external brickwork of the existing Rectory shall be repaired by cutting in or using replacement bricks to match the existing. Bedding and repointing (which shall be kept to the very minimum structurally necessary) should be in a lime mortar to include the mix and joint finish to a specification to be approved in writing by the Local Planning Authority prior to the commencement of any such works

Reason: To safeguard the architectural and historic interests and character of the building, which is located in a Conservation Area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

12. 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.

13. The garage hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the new Rectory dwelling hereby approved but not including use as living accommodation.

Reason: To safeguard the residential character of the neighbourhood

14. The development hereby permitted shall only be used as a Rectory for the Diocese of Hereford and shall not at any time be sold, let or occupied as an unrestricted unit of residential accommodation.

Reason: To ensure proper control of the development as open market residential use would be subject to a financial contribution towards the provision of affordable housing.

15. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

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

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. 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.
4. It should be noted that the occupancy of the new Rectory dwelling hereby approved is restricted by condition which if sought to be removed in future to create an open market dwelling would require a financial contribution towards off site affordable housing under current adopted planning policy. This contribution would be calculated at the prevailing affordable housing target rate on the whole floorspace (i.e. there is no cap of 100 square metres) as outlined in paragraph 3.11 of the SPD Type and Affordability of Housing adopted 12th September 2012.
5. Consent is required from the service provider to connect into the foul main sewer
6. The advice of Shropshire Council Drainage is attached for your information
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an

experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

8. 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
CS11 Type And Affordability Of Housing

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

Broseley Town Council Town Plan 2013 -2026

9. 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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Committee and date

South Planning Committee

22 July 2014

Development Management Report

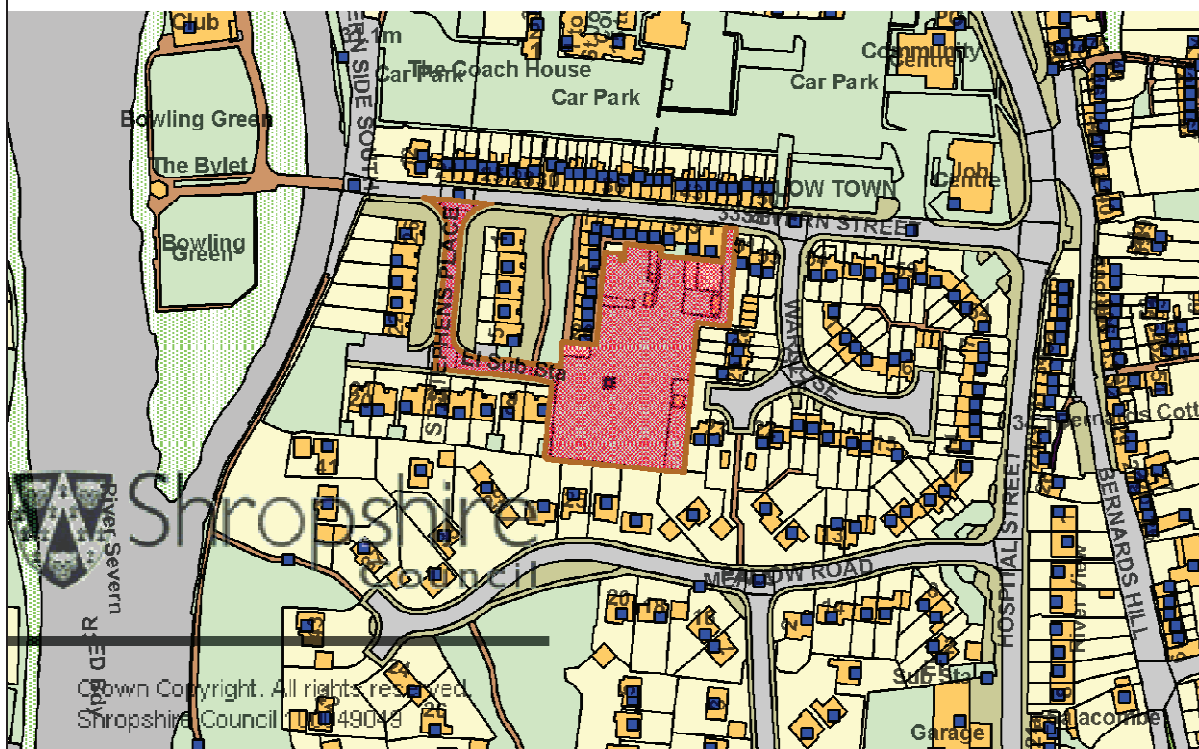
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/01690/FUL	Parish:	Bridgnorth Town Council
Proposal: Residential development of 22 dwellings; erection of estates office; formation of communal garden areas and open space (revised scheme)		
Site Address: Proposed Residential Development Land Off St Stephens Place Bridgnorth Shropshire		
Applicant: Bridgnorth Housing Trust		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 372023 - 292815



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Recommendation:- Grant Permission subject to a Section 106 Agreement to control the occupation of the residential units and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 At the February 2014 meeting of the South Planning Committee an application for a development of 27 dwellings; associated estates office; open public space; additional parking and vehicular access on this approximately 0.33ha site was considered. (ref. 13/03708/FUL). The application was refused for the following reasons:

1 The proposed development, by reason of the scale, height and massing of the 'L' shaped gateway entrance block, would have an overbearing impact upon the immediately adjacent existing dwellings, detracting from the character and appearance of the Bridgnorth Conservation Area and its setting. The development would fail to promote or reinforce the local distinctiveness of the area through the proposed built form not reflecting the scale and proportions of the adjacent Victorian terraced housing. The proposed development is therefore contrary to Shropshire Core Strategy policies CS6 and CS17 and the guidance set out in Section 7 of the National Planning Policy Framework.

2 The proposed development, through the siting of the proposed dwellings close to the eastern and southern site boundaries and the terraced properties to the west, and the provision of parking spaces immediately adjacent to the front and rear elevations of existing terraced properties (12-20 Severn Street) would detract from the outlook and living conditions of the existing properties, to the detriment of their residential amenities and contrary to Shropshire Core Strategy policy CS6.

1.2 This revised application for 22 dwellings; erection of an estates office; formation of communal garden area and open space seeks to address the above refusal reasons. The revised scheme does not contain any three storey development and would be a mix of single and two storey buildings. The architectural scale, detailing and proportions of the buildings would be similar to those of the adjacent Victorian terraced housing within the Conservation Area and the two storey dwellings and bungalows outside of that area. The separation of the proposed built development to the eastern and southern site boundaries has been increased, with the space between the buildings (of a reduced height and massing compared to the refused scheme) being private garden areas. The parking which was shown to the west of the existing terraced housing has been removed, with that to the east of these dwellings re-designed.

1.3 The entrance to the site from St Stephens Place would be framed by the side gable of a two storey pair of semi detached properties on its northern side and the corresponding gable of a terrace of five properties on its southern side. The eaves and ridge heights to these dwellings would be a close match to those of the existing Victorian terrace and their west elevations would be in line with those of the terrace. The width of this private access would be sufficient for a service vehicle to enter the

site along with a footpath, and would act as a traffic calming feature. Once through this entrance the internal road would turn through 90° and head north and would have a 'grasscrete' type surface. There would be a landscape buffer zone along its western side (to the rear of the existing housing) with parking on the eastern side of this road section. The road would then turn through another 90° and head eastwards with a similar boundary treatment to the Severn Street properties, with parking on the southern side of this road section. There would be a vehicle turning area in the north western corner of the site

- 1.4 There would be a terrace of six two storey properties on the northern part of the site, to the south of the access road and running parallel to the Severn Street properties. There would be a slight stagger to the alignment of the two central units in the terrace to give visual interest to the internal street scene. A communal garden space on the eastern side of the access road would separate these dwellings from a pair of semi detached dwellings, to a similar architectural style which would be orientated on a north –south access and be approximately central to the site. To the south and east respectively of these building groups, and running parallel to the eastern site boundary, there would be a 1.5 storey terrace of three units. These units would have the appearance bungalows with low set eaves: The first floor of these units would be contained wholly within their roof space and lit by rooflights on their west facing roof slopes to safeguard neighbour privacy. Each would have a small garden area between their east facing rear elevations and the site boundary.
- 1.5 The southern portion of the site would be laid out as a courtyard around a communal garden area. This space would be a mix of permeable hardstanding and planting area and would include a vehicle turning space. Following discussions with the agent the northern part of the courtyard would be laid out to parking spaces. A gap in the proposed buildings would give a visual link from Wardle Close to the views of High Town to the west, but no pedestrian or vehicular access is proposed at this point in this application. The buildings to the south of this gap would follow the form of those on the northern side, providing two dwelling units with the first floor accommodation in the roof space lit by rooflights on the west elevation. They would be linked to the building in the south east corner of the site, which would have a narrower footprint, with no accommodation in the roof space and a lower ridge height, that would provide the proposed estate office and meeting room. To the west of office area there would be two units that would revert to the 1.5 storey style of dwelling, with small private gardens, bordering the eastern site boundary: The first floor accommodation in the roof of these units would be lit by rooflights in their north elevation to safeguard neighbour privacy. These buildings would link onto the terrace of five dwellings described in paragraph 1.3 above which would form the western side of the courtyard area.
- 1.6 The dwellings and office would feature dual pitched roofs of small plain dark brown tiles. The walls would be of a multi red facing brick with rendered panel areas adjacent to some windows. There would be a mix of mono pitched and dual pitched canopy porches over front doors. The dwelling mix would provide 15 two bed, three person houses in two different styles and 7 two bed, four person bungalows (with one bedroom in roof space). There would be a total of 25 formal car parking spaces in the proposed scheme, along with two areas identified for cycle parking. Bin storage and clothes drying areas are also identified on the proposed site plan.

1.7 The agent has explained that the Bridgnorth Housing Trust is a charity which provides low cost housing in Bridgnorth for the elderly and other defined groups within the trust's housing waiting list. Their offices are currently at Palmers Hospital, St Leonards Close, Bridgnorth and they wish to relocate to new estate offices in the proposed development to be more readily available to serve the majority of their residents. The applicants have been a provider of low cost accommodation in the adjoining area for over 35 years, and within Bridgnorth town for 400 years, and intend to continue this service delivery under the established criteria of the Trust's policies and constitution. The report on the previous application contained this expanded expansion of the role they perform:

"The applicant states that the target market for this development would be as stated in the Trust Deed of the Charity which specifies:

"Persons in need who are inhabitants of the area covered by the former Bridgnorth District Council as at the date it was abolished and replaced by Shropshire Council (1st April 2009) Preference shall be given to women."

With residents chosen by the trustees based on eligibility criteria. People in need who

live in Bridgnorth. That need can be temporary or permanent brought about by
| unforeseen changes in personal circumstances.

| For example:

| Bereavement

| Financial

| Disability

| Infirmary

| Housing crisis

| Family breakdown

| Domestic violence

The Charity prioritises allocations to those in the greatest need first, and states that whilst their main area of benefit is for the elderly, they currently have residents ranging in age from 21 to 97. The Charity also places a local connection criteria on applicants, limiting the residents to those from the Bridgnorth area."

2.0 SITE LOCATION/DESCRIPTION

2.1 The 0.33ha plot of land is roughly rectangular in shape, with the terrace of dwellings along the Severn Street forming the northern boundary and a smaller terrace of dwellings running off this which forms the western boundary of the northern section of the site. The east of the site is marked by a brick boundary wall which forms the rear boundary of the gardens of Wardle Close, and the southern end of the site shares a boundary with the rear gardens of the properties on Pale Meadow Road.

2.2 The site is currently open and used for general recreation use by the residents of surrounding properties and is kept and maintained in a managed state with the grass being mown and kept open. Access to the site is via a pedestrian entrance in

the northeast corner onto Severn Street and also via a currently fenced off gated access on the western side which leads to a turning head on St. Stephens Place.

2.3 The site is located within the town development boundary, and also partially within the Bridgnorth Conservation Area which bisects the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is referred to committee under the Council's adopted scheme of delegation, as whilst the Town Council has expressed support and the application has not been called in by a Local Ward Member, the previous application was refused by the South Planning Committee on design and neighbour impact grounds. The application raises issues of substantial local importance, and the revisions made to the scheme in seeking to address the previous refusal reasons are significant enough to warrant consideration by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Bridgnorth Town Council – Recommend Approval

4.1.2 SC Highways Development Control – no objection

Access to the site

All vehicles entering and exiting the site will do so via a single point of access off St Stephens Place, via Severn Street. The carriageway width along Severn Street is restricted by the level of on-street parking between the junctions with Wardle Close and St Stephens Place. Whilst parking restrictions have been introduced within the vicinity of the site to regulate parking and reduce congestion, the level of existing on-street parking reduces the carriageway width to one-way flow. Proposals to introduce Residents Parking along Severn Street have been unsuccessful and it is unlikely that a Traffic Regulation Order to reduce parking along this section of carriageway would be successful in view of the lack of off-street parking for residents of Severn Street.

It would be desirable from a Highways perspective if a proportion of the dwellings vehicle access to the site is via Wardle Close to reduce traffic flow along Severn Street. Discussions with the applicant's agent have concluded that the area of land between 24 and 25 Wardle Close is in third party ownership and therefore the creation of a vehicle access via Wardle Close is currently not feasible.

Parking

Concerns have been raised with regard to the level of parking within the development boundary and the impact on the surrounding highway network. Parking on the Highway network within the vicinity of the site is at a premium and parking restrictions have already been introduced on the majority of roads within the vicinity of the site suggesting that parking congestion is already an issue. Sufficient parking should be provided within the site boundary and not rely on the

surrounding highway network or public car parking within the area.

It has been documented within the application and subsequent discussion with the applicant's agent that residents of the proposed property will be in priority need and are unlikely to have the financial assets to afford a motor vehicle. However, it is likely that residents will require the regular visits of carers and social workers; therefore parking provision for visitors needs to be considered.

The current saved policy for parking guidance for the Bridgnorth area, recommends that 1 parking space is provided per 3 units for sheltered housing where the occupants are infirm or need of care. Whilst it is acknowledged that the proposed type of housing may not attract high car-ownership

levels it is understood the majority of residents would not be considered infirm, so this level of parking would not be applicable.

It is recommended for new dwellings that when parking is unallocated i.e communal parking as per the proposed, then 1.5 spaces per unit should be provided. The location of the development in relation to local amenities and access to sustainable modes of transport need to be taken into account when accessing an acceptable level of parking provision;

The application has now been revised and the proposed level of car parking has now been increased to 25 parking spaces which exceed 1 parking space per unit. Whilst it would be desirable to maximise the level of parking within the development, in view of the type of housing and location of the proposed development in relation to Bridgnorth Town Centre it could be argued that the residents are unlikely to have motor vehicles of their own, otherwise they would not qualify for assistance off the applicant. As a consequence any additional parking will not be fully utilised and the current proposed level of parking could be considered acceptable.

Despite the above, it is recommended that sustainable modes of transport are promoted and a Residential Travel Plan is submitted prior to occupation of the dwellings, to encourage sustainable travel and discourage the use of motor vehicles.

Proposed Layout

The proposed layout of the development is not considered to be designed to adoptable standards therefore would not be considered for adoption as Highway maintainable at the public expense. The revised site layout submitted indicates that the majority of the development will be shared surface; however consideration will be required to be given to ensure all parking areas are kept clear of obstruction and does not impede the movement of other road users within the development. It is understood that parking within the proposed development will be controlled by the estate office and errant parking will be monitored and discouraged.

Impact on the surrounding Highway Network.

The proposed number of dwellings has been reduced from 27 dwelling to 22 dwellings as per the previously submitted application (13/03708/FUL); therefore it could be argued that the impact on the highway network has been reduced.

Despite the above, concerns have been raised with regard to Highway safety within the vicinity of the site and the additional congestion that will be generated by the proposed development. In determining the impact on the Highway network consideration needs to be given to the type of housing and the likely number of movements that the site will generate and if the number of movements within the peak hour will have a significant impact on Highway Safety.

Severn Street provides access to existing residential properties and The Bylet Club. If it is accepted that the type of housing and the residents will only occupy the dwellings if they are in priority need then they are unlikely to have the financial assets to fund a motor vehicle and rely on more sustainable transport. In the event Planning Permission is granted, it is recommended that consideration is given to restricting the future occupancy of the proposed dwellings and that in the longevity of the development the dwelling should only be occupied by residents that meet the criteria for assistance by the Bridgnorth Housing Trust.

Construction Management Plan

Due to the restricted carriageway width along Severn Street, it is anticipated that the movement of construction traffic needs to be carefully managed and may require the temporary suspension of parking along Severn Street. It is therefore recommended that prior to start of works a Construction Management Plan is submitted which includes provision for alternative parking for residents along Severn Street. The full cost of any mitigation measures must be met by the applicant.

Summary

If it is accepted that the car-ownership level of residents will be relatively low, and the majority of vehicle movements generated by the site will be visitors, it is felt that in an appeal situation it would be difficult to demonstrate that the proposed development will generate a significant number of movements within the peak hour periods and have a detrimental impact on Highway safety . Therefore a Highway objection could not be sustained at planning appeal.

In view of the above, Shropshire Council as Highway Authority raises no objection in principle to a residential development at the proposed location.

Conditions

It is recommended that the following conditions are attached to any permission granted.

NS01

No development shall take place until a residential travel plan shall be submitted to and approved by the Local Planning Authority. The submitted plan should 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.

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.

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.

4.1.3 SC Drainage – No Objection: The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

1. 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. SUDs applicability for the site is Infiltration. 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. 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 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 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 soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. 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.

3. Please provide a contoured plan of the finished road level to ensure that the proposed gullies are located correctly. 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. 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.

4. 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.

5. The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.

Reason: To minimise the risk of groundwater flooding.

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.

4.1.4 SC Affordable Housing – Comment:

The previous application referred to these as Almshouses and the current proposal notes the tenure as social rented dwellings, nevertheless the dwellings are deemed to be exempt from affordable housing contributions as detailed in the SPD Type and Affordability of Housing 2012.

4.1.5 SC Ecology – Guidance Note setting out when an ecological survey may be required in response to consultation on this application. Comments submitted in respect of application 13/03708/FUL set out below:

I have read the above application and the supporting documents including the Preliminary Protected Species Survey Report by BC Ecology dated July 2013. Recommendation: The following conditions and informatives should be attached to any consent

The Protected Species Survey Report found no evidence of protected species at the site however it is likely that birds nest in the hedgerows and trees on the boundaries. These may also be used for bat foraging. The following condition and informative are recommended:

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.

If the single storey garage is to be removed, it is recommended that the wooden slats are removed under the supervision of an ecologist as it is possible that a small number of bats could be present. The following informative is recommended:

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.

The Protected Species report recommends that precautions should be taken to avoid disturbance to nesting birds. The following informative should be added to any consent:

Informative

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

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

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

4.1.6 SC Trees – No Objection in principle:

Due to the proximity of proposed development, there is the realistic potential for damage to be caused to two existing trees to be retained the purple-leaved cherry to the front of number 20, Severn Street and the conifer in the rear garden of 27, Pale Meadow Road.

I consider the former tree could be adequately protected from construction damage by the implementation of a Tree Protection Plan. The Plan should show the location and specification for a protective barrier to be erected prior to commencement of development, in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition & Construction. The area within the barrier would be considered sacrosanct and treated as a construction exclusion zone throughout the duration of construction.

The conifer tree is located in a private garden, close to the south-east corner of the development. I am concerned that the corner of the nearest proposed dwelling and the communal bin storage area, which is presumably to be hard surfaced, fall within the Root Protection Area (RPA) of the offsite tree. Any excavations or ground compaction within the RPA could damage that tree. (The Root Protection Area is the minimum area around a tree deemed to contain sufficient soil volume to maintain the trees viability. It is defined in the afore-mentioned British Standard as an area equivalent to a circle with a radius of 12 times the stem diameter of the tree).

In order to properly assess the impact of development upon the conifer tree it is necessary to accurately plot the tree and its RPA, in relation to the proposed layout. Any works within the RPA should either be shown by a competent arborist to be insignificant in terms of their potential impact upon the tree, or else a method statement should be prepared to show how the works will be specially designed and implemented so as to avoid causing damage to the offsite tree and its roots.

Given that the issue of potential damage to the offsite conifer tree is a matter of principle, I would like to see this addressed prior to determination of the application. The Tree Protection Plan, however, is a matter of detail that I would be happy to see as a condition to any approval.

4.1.7 SC Conservation – No Objection:

The whole of the application site lies partially within and partially adjacent to the Conservation Area. A previous application on the site for 27 dwellings was refused, detailed comments were provided at this time in relation to the impact of the development on 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:

This application is for the erection of 22 dwellings, associated estates office and landscaping on this site.

The new proposal is an improvement from the previous refused application. The scale and form of the proposed dwellings better relates to surrounding built form and many of the previous concerns raised from a conservation perspective have been addressed.

The design of the proposed dwellings is fairly simplistic and relates to the modern development surrounding the site. Whilst community garden space is provided to the centre of the site it is considered that the layout of the buildings provides very limited private amenity space for the dwellings.

Recommend conditions requiring details of all external materials and of doors and windows to be submitted for approval.

4.1.8 SC Archaeology – No Objection:

The proposed development site lies within the extent of Pale Meadow Mills later Works (HER PRN 06932) a 19th century woollen mill (later textile printers) and Carpet factory, Hospital St, Bridgnorth (HER PRN 06010) both now demolished. It is not known if any remains survive below ground level. The proposed development site can therefore be deemed to have some archaeological potential and any below ground archaeological remains are likely to be affected by the construction of the proposed new dwellings and associated services. In view of the above and in line with National Planning Policy Framework (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). The written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

4.1.9 West Mercia Constabulary – No Objections:

I comment on this proposal as Crime Prevention Design Advisor for West Mercia Police. I do not wish to formally object to the proposal at this time. However there are opportunities to design out crime and /or the fear of crime and to promote community safety.

Therefore should this proposal gain planning approval, I request that the following planning condition be placed upon the said approval.

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 found 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.

4.2 - Public Comments

4.2.1 8 Objections received, which are summarised below. The full text of the letters may be viewed on the planning file:

-Plans an improvement on those refused but still have concerns.

-Loss of parking on road during construction period.

-Question how construction materials would be delivered to the site; need Health and Safety Risk Assessment

-Damage to roads from construction traffic.

-Danger to pedestrians from increased parking and HGVs..

-Would be entitled to reduction in Council Tax if deliveries taken from Wardle Close.

-22 properties would add traffic to Severn Street on narrowest part and in vicinity of elderly persons properties.

-Makes more sense to access site from Wardle Close, but both routes ridiculous in such a confined residential area.

-Concerned there may be an option for access from Wardle Close.

-No on street parking capacity.

-13 on site spaces inadequate.

-Disagree with Highways Report submitted with previous application.

-Town has larger open spaces with easier and safer accesses than this one.

-Still concept of developing cramped site from outer boundaries to the centre;

should develop from the centre outwards with more space between the new dwellings and the boundaries.

-Area too small for development.

-Does not respect scale and proportions of surrounding buildings.

-Out of character with area.

-Unneighbourly development.

-Overbearing impacts.

-Harm neighbour amenity.

-Cars would be too close to the backs of 13- 20 Severn Street.

-Land has always been allotments and gardens.

-Should not take away gardens from people in Severn Street.

-Percentage of non pensioner residents would be far too high; should be made a pensioners only development where they can live in quiet harmony; should not be forced to mix with younger people who have different problems to their own.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale, design and impact on the conservation area

Impact on neighbour amenity

Landscaping

Highway Impacts

Drainage

Ecology

Housing mix

Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Bridgnorth is a settlement which is identified as a Key Market Town for Eastern Shropshire in Core Strategy policy CS3. The application site falls within the current Development boundary for Bridgnorth in the Bridgnorth District Local Plan (Saved policy S1), and Bridgnorth is a principle town identified in the Bridgnorth District Local Plan as being a settlement where new housing should be allowed on appropriate sites (Saved policy H3). Core Strategy policy CS3 states that for Eastern Shropshire, Bridgnorth will provide a focus for developments within the constraints of the green belt to the east and the River Severn.

6.1.2 Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In addition to the considerations described above, this proposal therefore has to be considered on its own merits in relation to the material considerations set out in the following sections, and the balance of adverse impacts and benefits.

6.1.3 The Council currently cannot at this time demonstrate that it has a 5 year supply of housing land as required by the National Planning Policy Framework (NPPF). This means that the Council's housing policies cannot be considered up to date and the NPPF states that in such circumstances a Local Planning Authority should grant planning 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 if specific policies in the Framework indicate development should be restricted. Whilst not a significant consideration in this case, as the site is located within a settlement where the provision of new housing is acceptable under policies CS3 of the Core Strategy and saved policy H3 of the Bridgnorth Local Plan, the contribution of the development towards meeting the shortfall in housing provision across the County is a material consideration.

6.2 Siting, scale, design and impact on the conservation area

6.2.1 The NPPF at section 7 places an emphasis on achieving good design in development schemes. Its themes 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. This site is bisected by the Bridgnorth Conservation Area, which includes the northern half of the site as well as the two terraces on the northern and western boundaries. Account therefore needs to be taken of the impact of the proposed development upon the setting of the Conservation Area.

6.2.2 The Conservation Area boundary runs along the front of the terrace forming the western side of the site, and then cuts across the middle of the open area of grassed open space to the rear, effectively bisecting the site with the northern half being inside the conservation area and the southern half being located outside of it.

6.2.3 The surrounding development is of varied quality and significance. The terraces of dwellings along Severn Street and running south off this have strong contribution to the character of the conservation area, and are probably linked to former industrial use of the site. The bungalows to the west are however of limited architectural or historic merit, and the eastern and southern sides of the site are made up of more recent development of relatively modern housing on Wardle Close and Pale Meadow Road, although care has been taken, particularly with regards to Wardle Close, in the use of materials to ensure the development does not stand out from the conservation area, and blends in with the townscape when viewed from above from vantages on Castle Walk in High Town.

6.2.4 It is considered that the amended form of development, described in paragraphs 1.2 to 1.6 above would result in a development of a scale, density, pattern and design that would be in keeping with the locality, and which would not detract from the character or appearance of the Bridgnorth Conservation Area or its setting. The 'L' shaped 3 storey gateway entrance block of the previous scheme and was judged to have an overbearing impact no longer features in the proposed scheme and the scale and proportions of all the buildings would be complementary to those of the adjacent Victorian housing. A traditional palette of materials is now proposed, comprising of brick, render and small plain roof tiles, the precise details of which

would be the subject of a condition on any approval issued. The design considerations set out in Core Strategy policies CS6 and CS17 are considered to be satisfied by these proposals.

6.3 Impact upon neighbour amenity

6.3.1 Core Strategy policy CS6 seeks to safeguard residential amenity. A number of comments received by third parties in respect of the previous application raised concerns over the impact of the development on surrounding properties, due to the proximity of the development to the site boundaries and the height of the blocks. Refusal reason 2 set out at paragraph 1.1 above relates to this issue. Similar concerns have been raised by some neighbours in relation to the current proposal. The current application has sought to address this issue by reducing the height of the buildings adjacent to the eastern and southern site boundaries and positioning the proposed buildings some 2 metres further away from these boundaries. With the exception of one two storey gable end which would be due north of part of the garden to a property off Pale Meadow Road (and set back some metres from the boundary), it would only be the roofs of these buildings which would be visible above the existing boundary fencing/walls, due to the buildings eaves levels equating with the height of the boundary fences/walls. These roof areas would slope away from the boundaries at a pitch of some 40° and would contain no rooflights/windows in the elevations facing neighbouring properties. The parking spaces immediately to the west and east of the Victorian terrace, with the exception of one space, have been removed in the current proposal. The proposed site layout would also have less impact upon light reaching the rear of the Victorian Terrace in the mornings. It is considered that these revisions are sufficient to overcome the harm to outlook and living conditions refusal reason of the previous scheme, with the current proposals causing no undue harm to neighbour amenity.

6.3.2 It is almost inevitable that building works in connection with a development of this scale will cause some disturbance to adjoining residents. In this particular case, due to the proximity to the surrounding residential properties and the access to the site, it is considered appropriate to impose conditions on any permission which may be issued to control hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays); measures to minimise airborne dust and no burning of waste would mitigate the temporary impact.

6.4 Landscaping

6.4.1 The proposed development would involve the removal one tree, a silver birch located in the closed off area of open space in the southeast corner of the site. The Council's arborist has advised that this small weeping silver birch has little public amenity value and would not object to its removal. The loss of this tree was accepted by the Committee in relation to the previous scheme and it was not a reason for refusal of that application. There has been no material change in planning circumstances to now warrant a different conclusion being reached on this matter.

6.4.2 With regard to the off site conifer tree mentioned by the County Arborist, there would be scope to adjust the position of the bin storage area to reduce the potential impact upon the root protection area. The present proposal would position development further away from the off site trees than the refused scheme where

impact on trees was not a reason for refusal. It is considered therefore that this matter can be addressed satisfactorily by condition on any planning permission that is issued.

- 6.4.3 Details of the proposed landscape buffer planting to the rear of the Severn Street properties and to the community garden areas can be the subject of conditions requiring the submission of details for approval on any planning permission that is issued.

6.5 Highway Impacts

- 6.5.1 Saved 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. Saved Local Plan policy D6 also requires there to be adequate servicing arrangements within developments and for car parking to have regard to the Council's recommended maximum car parking standards. The former Bridgnorth District Council standards remain in force in south east Shropshire, which currently aim to provide 1.5 parking spaces per dwelling where parking is unallocated, although the recommended provision falls to 1 space per 3 dwellings for sheltered housing accommodation. It should be noted that these standards are general guidelines and not minimums, and that the location of the development in relation to local amenities and access to sustainable modes of transport, as well as the type of accommodation provided, need to be taken into account in assessing whether the parking provision is acceptable.
- 6.5.2 Access to the site would be via a single point of access of St. Stephens Place, via Severn Street, which is a narrow street between two historic terraces with on street parking situated parallel to the carriageway which effectively reduces the width of the carriageway to one-way flow. The area is not subject to parking permits, but is subject to limited stay restrictions. Severn Street also provides access to Wardle Close, and the public car park located adjacent to the Job Centre, and also to the bowling Club at the Bylet at the western end of the street. The Committee accepted in the consideration of the refused 27 unit scheme (ref 13/03708/FUL) that the local road network was adequate to accommodate the traffic likely to be generated by the development in the peak hour periods and there were no highway safety refusal reasons. With the current proposal reducing the number of units to 22 the impact would be less and it is considered that a refusal reason on the grounds that the local road network could not accommodate safely the type and nature of traffic likely to be generated could not be sustained at appeal.
- 6.5.3 In terms of parking need, the Housing Trust has stated that the properties within the Trust's ownership currently have an overall car ownership rate of 36%. In Severn Street this is 38% and in St Stephens Place this rises to 46%. The Housing Trust has stated that the residents of the proposed dwellings would be in priority need and are unlikely to have the financial assets to afford a motor vehicle. However it is likely that residents will require a greater number of regular visits from carers and social workers than normal, therefore parking provision for visitors needs to be considered.

- 6.5.4 With regard to the amount of on-site parking which would be provided, the agent has advised that it is intended that car parking would be incidental in a 'Home Zone' approach, to the site to reinforce the sense of courtyard public realm. The standard of parking achieved in the design, with the amendments negotiated, would provide 25 spaces for 22 dwellings, which slightly exceeds the 1 to 1 ratio of parking spaces to dwellings in the previous 27 unit scheme. The Committee accepted the advice of the Highways Officer in that previous application that a reduction in the normal parking standards for unallocated parking to this level could be accepted given the location of the site, the Trust's target occupancy market and the Trust's management of the site. The level of car parking provision was not therefore a reason for refusal of the previous scheme and there has been no material change in circumstances on which to now come to a different conclusion on this issue.
- 6.5.5 It was accepted by Committee in the consideration of the previous application that the car-ownership level of residents would be likely to be relatively low, and the majority of vehicle movements generated by the site will be visitors. In the event Planning Permission is granted, the Council's Highways Department have recommended that consideration is given to restricting the future occupancy of the proposed dwellings and that the dwellings should only be occupied by residents that meet the criteria for assistance by the Bridgnorth Housing Trust: This restriction would be achieved through a legal agreement.
- 6.5.6 Due to the restricted carriageway width along Severn Street, it is anticipated that the movement of construction traffic needs to be carefully managed and may require the temporary suspension of parking along Severn Street. It is therefore recommended that prior to start of works a Construction Management Plan is submitted which includes provision for alternative parking for residents along Severn Street.
- 6.6 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 existing runoff rate and not to result in an increase in runoff.
- 6.6.2 The Environment Agency flood risk maps show the site is located within Flood Zone 1, which means the site has the lowest category of flood risk attributable with an estimated annual probability of river flooding of less than 1 in 1000 years (i.e. a less than 0.1% chance in any given year).
- 6.6.3 The site is classified as brownfield land where the Council would expect developers to achieve a 50% betterment to the current surface water flows from the site, which in the first instance should be achieved by use of soakaways, the capacity of which should be based on percolation tests in accordance with BRE Digest 365, and account for a 1 in 100 year storm event plus a 30% allowance for climate change. Alternatively attenuation measures may be employed if soakaways are not feasible.

6.7 Ecology

6.7.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. An ecological appraisal has been submitted with the application and assessed by the Council's Planning Ecologist. No evidence was found of protected species on the site and the site does not contain any priority habitats, however the Council's ecologist has advised that there is a likelihood of that birds nest in the trees and hedgerows surrounding the site, and the site may also be used for bat foraging. The Council's ecologist raises no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by a condition requiring approval of any external lighting scheme and an informative advising the developer of their legal observations towards nesting wild birds and other protected species.

6.8 Housing mix

6.8.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development, with the exception of certain categories of housing. The proposed development provides a range of two bedroomed accommodation, with the applicant in their amended submission indicating they would cater for an older residential market, rather than a mixed age range as originally stated in the application documentation with the previous scheme.

6.8.2 The Council's affordable housing officers have confirmed that the development, being for alms house type accommodation and managed by a charitable trust, would not be required to contribute towards affordable housing. Control over the type of accommodation provided, and measures to ensure it retains this status can be enforced by legal agreement.

6.9 Archaeology

6.9.1 The proposed development site lies within the extent of Pale Meadow Mills later Works a 19th century woollen mill (later textile printers) and Carpet factory, Hospital St, Bridgnorth both now demolished. It is not known if any remains survive below ground level. The proposed development site can therefore be deemed to have some archaeological potential and any below ground archaeological remains are likely to be affected by the construction of the proposed new dwellings and associated services.

6.9.2 The Council's archaeologist has recommended that any permission which may be issued be subject to a condition requiring a programme of archaeological works be submitted, approved and adhered to in the implementation of this development.

7.0 CONCLUSION

7.1 In determining this application the committee will have to weigh the impacts of the development against the benefits offered by the proposal. The proposed development would provide additional housing within the town centre which would address a shortfall in the Council's provision of housing, and would provide accommodation for those in vulnerable situations. The proposal is considered to have addressed satisfactorily the design and neighbour impact refusal reasons of the previous scheme (ref 13/03708/FUL) and would be appropriate in scale,

density, pattern and design taking into account the local context and character. The proposed development would not detract from the character or appearance of the Bridgnorth Conservation Area, or its setting.

- 7.2 The Council's highways department have raised no objection to the development. The issues of the impact of the additional vehicle movements on the capacity of the local highway network are acknowledged, however this falls short of being a danger to highway safety, and the vehicle movements relating to the site would be spread out beyond the peak traffic periods due to the nature of the accommodation. Given the nature of the housing provided, and the likely residents, the car parking provision is considered to be adequate.
- 7.3 In terms of neighbour impact, the current proposal in comparison to the refused scheme would have a reduced and acceptable impact on the properties surrounding the site, particularly on the southern and eastern site boundaries. There would be no significant issues of overlooking, and the heights of the buildings, particularly along the bulk of the southern and the eastern site boundary, have been reduced to ensure no overbearing impacts.
- 7.4 It is recommended that the proposed development should be granted planning permission subject to the conditions set out later in this report, and subject to the applicant entering into a Section 106 legal agreement to control the occupation of the dwellings to residents who meet the criteria set out by the Housing Trust.

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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Technical Guidance to the National Planning Policy Framework

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

D6 Access and Car Parking

H3 Residential Development in Main Settlements

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

13/03708/FUL Erection of 27 dwellings; associated estates office; open public space; additional parking; vehicular access REFUSE 5th February 2014

11. Additional Information

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

Cabinet Member (Portfolio Holder)
--

Cllr M. Price

Local Member(s)

Cllr Christian Lea

Cllr William Parr

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 deposited plan numbers

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 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. in the interests of the visual amenities of the area.

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.

5. No development shall take place, including any works of demolition, until a Construction Method Statement and Traffic Management Plan 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/Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors and compensatory arrangements for any temporary loss of on street parking during construction phase.
 - 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
- viii. coordination and management of all deliveries, HGV routing proposals and offsite holding areas
- ix. phasing of any temporary and/or permanent vehicular/pedestrian accesses and management thereof within the construction period of the development

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

6. 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) which shall be submitted to the Local Planning Authority prior to the commencement of any works. The development shall be carried out in accordance with the details approved in writing by the Local Planning Authority.

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

7. 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.

8. 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.

If the proposed drainage scheme involves the provision of soakaways, no development shall take place until a soakaway test(s) has been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development.

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

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

Reason: To ensure a satisfactory means of access to the highway, in the interests of highway safety.

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

10. 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.

11. No occupation of the dwellings hereby approved shall take place until a residential travel plan has been submitted to and approved in writing by the Local Planning Authority. The approved 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.

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

12. All hard and soft landscape works shall be carried out in accordance with the approved details and 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. No waste materials generated as a result of the construction operations shall be burnt on site and airborne dust from the construction operations on the site shall be minimised by spraying water or by carrying out works that may be necessary to suppress dust.

Reason; To safeguard the amenities of the locality.

14. Demolition or construction works shall not take place outside the hours of 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: In order to maintain the amenities of the area.

15. 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 dwellings
- addition or alteration to the roofs
- 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 safeguard neighbour amenity.

Informatives

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

Central Government Guidance:

National Planning Policy Framework

Technical Guidance to the National Planning Policy Framework

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

D6 Access and Car Parking

H3 Residential Development in Main Settlements

SPD on the 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 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.

4. 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.

5. 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 precommencement 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.

6. 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. Consent is required from the service provider to connect into the foul main sewer.
8. 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.
9. 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 - 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
<http://www.shropshire.gov.uk/hwmaint.nsf/open/D8DAF1CB579FD61380256E2A004908E5>
10. 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.
11. 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.

12. 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.
13. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential 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://www.shropshire.gov.uk/streetnamingandnumbering>, 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.



Committee and date

South Planning Committee

22 July 2014

Development Management Report

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

Summary of Application

Application Number: 14/01796/FUL	Parish:	Wentnor
Proposal: Erection of affordable dwelling and detached domestic garage; installation of sewage treatment plant		
Site Address: Proposed Exception Dwelling South Of Upper Stedment Ratlinghope Shropshire		
Applicant: Mr John Muller		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 338595 – 297451



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Recommendation: Refuse**Recommended reasons for refusal:**

1. The proposal is contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, and Shropshire Council's Supplementary Planning Document on the Type and Affordability of Housing, in that the site is in open countryside not within or adjoining any recognisable named settlement. Consequently there is a presumption against new residential development of any sort, in the absence of a demonstrable functional need for an agricultural worker to reside at or near to his place of work.
2. The site is in a particularly elevated and prominent location within the Shropshire Hills Area of Outstanding Natural Beauty. Consequently the development would detract from the generally open character and scenic quality of the landscape, contrary to the National Planning Policy Framework, Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Shropshire Council's Supplementary Planning Document on the Type and Affordability of Housing.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect a single-storey 'affordable' dwelling for occupation by named individuals in local housing need. It is also proposed to erect a detached double garage, form an access spur off an existing driveway to the adjacent dwelling, and install a sewage treatment plant.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Upper Stedment Farm is set in some isolation on the eastern foothills of the Stiperstones ridge, approximately 2km northwest of Ratlinghope on the opposite side of the East Onny Valley, and within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Immediately south of the modern portal-framed farm buildings is 'Stones View', an agricultural worker's dwelling finished traditionally in stone with brick dressings under a half-dormered slate roof. The proposed affordable dwelling would be sited in the northernmost corner of the field alongside. The surrounding landscape is elevated and very open in character, albeit with small pockets of woodland.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination since the officer's recommendation is contrary to the views of the Parish Council and Shropshire Council's Local Member. The application was submitted on the basis of potential support from these parties, and in the circumstances the Area Planning Manager considers that the relevant issues warrant consideration by the committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee comments****4.1.1 Shropshire Council Flood and Water Management – comment:**

Details of the proposed surface water soakaways, to include percolation test results, sizing calculations and a layout plan, should be submitted for approval, and

a catch pit should be provided on the upstream side. The incorporation of further sustainable drainage systems (SuDS) should also be considered, and if the new driveway and parking area would slope towards the highway and have a non-permeable surface, measures to intercept run-off should be detailed.

4.1.2 Full details of the proposed sewage treatment plant are also required. These should include sizing calculations and a layout plan, together with the standard Foul Drainage Assessment (FDA1) form. *‘British Water Flows and Loads: 3’* should be used to determine the capacity required, and an exemption certificate from the Environment Agency will be required if treated effluent would be discharged into any watercourse. Otherwise effluent should discharge into a drainage field, for which percolation test results and sizing calculations would again be needed.

4.1.3 All of these details could be secured by condition.

4.1.4 Shropshire Council Affordable Housing – no objection:

The applicants have demonstrated strong local connections to the Myndtown Combined Parish Council administrative area. After considering their housing needs and personal circumstances it is confirmed that the relevant requirements of the Supplementary Planning Document (SPD) relating to the ‘build your own affordable home’ scheme are satisfied as follows:

- The applicants intend to construct a 100m² (max.) affordable dwelling to occupy as their long-term home.
- The dwelling would be subject to a Section 106 agreement prescribing local occupancy criteria and also restricting its potential future sale value.
- The applicants currently live at Bridges in a property which is becoming increasingly difficult for them to manage owing to age and health problems. They therefore need to downsize into the proposed affordable dwelling, which would provide accommodation much more suitable for their current and future needs as well as being closer to their daughter for support and care.
- The existing property at Bridges would be sold, thereby releasing a family home onto the market.
- Besides family ties and residency, the applicants have strong local connections by virtue of previous employment.
- Myndtown Combined Parish Council has confirmed that the applicants have lived in the area for nearly 17 years. In view of Mr Muller’s illness councillors support his wish to downsize and move closer to his daughter, and also acknowledge the shortage of bungalows for the elderly in the Parish and how rarely these become vacant.
- Shropshire Council’s Local Member has also indicated support for the scheme since it would keep local people within the area.
- Owing to issues of affordability and availability of suitable accommodation the applicants are unable to meet their specific housing needs on the open market.

4.1.5 Wentnor Parish Council – support:

The new dwelling would enable local residents to remain in the area, and with a Section 106 agreement in place would remain an affordable dwelling available to other local people in the future.

4.1.6 Shropshire Council Ecology – no objection:

The application is accompanied by an ecological assessment. Since the site has potential to support foraging and commuting bats, external lighting should be controlled by condition. Meanwhile hedgerows should be retained and enhanced in order to support nesting birds.

4.1.7 Although there is a pond 190 metres away, further great crested newt survey work is not recommended given the size of the development and the lack of terrestrial habitat linking the pond to the application site. However, informatives regarding the legal status of great crested newts, the operation of trenches and storage of materials should be included as a precaution.

4.2 Public comments

4.2.1 None

5.0 THE MAIN ISSUES

- Principle of development
- Site location and landscape impact
- Scale and design
- Residential amenity
- Drainage
- Ecology

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 In order to meet specific local needs, Core Strategy Policies CS5 and CS11, along with the aforementioned SPD and Paragraph 54 of the National Planning Policy Framework (NPPF), allow for the construction of affordable dwellings on rural 'exception sites' outside settlements identified as being suitable for general, open-market development. In this case the Council's Housing Enabling Officer finds that the policy criteria in respect of local connections and housing need are satisfied for the reasons summarised above, and any planning permission granted would be subject to prior completion of a Section 106 agreement to ensure that the new dwelling remained 'affordable' to other qualifying local people in perpetuity.

6.2 Site location and landscape impact

6.2.1 In the view of officers, the shortcoming of this application is the site location. Under the Housing SPD even rural exception sites are required to be within or adjoining "recognisable named settlements" as opposed to isolated or sporadic development in open countryside. Guidance on what constitutes a recognisable named settlement can be found in Paragraphs 5.15 – 5.17 of that document, but essentially it is defined by a combination of the number and proximity of houses occupied by households from different families. A settlement's limit or edge is also open to interpretation depending on where the relationship between the different properties peters out, and hence a site a short distance from a dispersed or loose-knit settlement might be considered 'adjoining' whereas a similar distance from a tightly clustered settlement might be too great.

- 6.2.2 In this case the site adjoins a solitary farmstead which clearly does not comprise a settlement in its own right. Furthermore, it is too remote from the closest hamlet of Bridges to be regarded as adjoining that settlement. Significantly, the latter is a reasonably nucleated grouping around the pub nestled in the valley 1km to the southeast, and is not visible from the application site or vice versa. Whilst there are two other dwellings in-between, again these are visually unrelated to Stones View and even collectively the number of dwellings is too few to qualify as a settlement. Officers therefore consider that the scheme would perpetuate a scattered development pattern in generally open countryside, and moreover in a particularly elevated and exposed location where it would be all the more damaging to the landscape's rugged character and inherent beauty. Indeed, as noted in Paragraph 115 of the NPPF, AONBs have the highest status of protection in this regard.
- 6.2.3 Whilst it is conceded that the landscape is not completely untamed, the proposed dwelling would undoubtedly increase the massing of the existing farm complex by extending its linearity. Furthermore, the existing dwelling was approved as an exception to the usual policy restrictions on the basis of there being an essential need for an agricultural worker to live at Upper Stedment Farm. Although the current applicant's specific housing needs would undoubtedly be sufficient to override *some* of the usual locational criteria (i.e. an affordable dwelling adjoining a settlement not designated for open market development would potentially find support), officers opine that this in itself does not set a convincing precedent for allowing further housing in such a remote location. In short, it is suggested that the benefits to the applicant and his family, whilst considerable, do not outweigh the wider public harm which, cumulatively at least, would result from the erosion of a much valued and statutorily protected landscape. It is, however, noted that the Parish Council and Local Member, who appear to be aware of the family's circumstances, apportion the weight differently and reach the opposite conclusion.
- 6.3 **Scale and design**
- 6.3.1 The proposed dwelling is reasonably modest in scale, its gross internal floor space not exceeding the 100m² limit specified in the SPD. In the event of permission being granted 'permitted development' rights for subsequent extensions should be removed by condition, both in the interests of visual amenity and to help ensure that the property remains of a size which would be affordable to local people.
- 6.3.2 The design is of a high standard, an L-shaped footprint reducing the roof span and breaking up the massing whilst sympathetic materials and detailing successfully combine vernacular elements with the more contemporary. Precise details of external finishes and fenestration would need to be secured by further conditions should Members be minded to approve the scheme, as would compliance with Level 3 of the Code for Sustainable Homes in the energy and water efficiency categories.
- 6.3.3 Being detached from the house the garage would not contribute towards the restricted floor space, and its conversion into habitable accommodation could be prevented by condition. Its additional height (some 0.3 metres) is unfortunate, although a more subservient appearance might be achieved by stipulating a 'lower status' material such as weatherboarding.

6.4 Residential amenity

6.4.1 The plot is large enough to provide sufficient outdoor amenity space without exceeding the 0.1ha restriction imposed by the SPD. The adjacent property is owned by the same family, and in any case there would be no significant overlooking, overshadowing or loss of outlook given the orientation of the two dwellings and the presence of the garage in-between.

6.5 Drainage

6.5.1 As summarised above the Council's Drainage Engineer is satisfied that precise details of both foul and surface water drainage systems could be secured by condition.

6.6 Ecology

6.6.1 The Council's Ecologist agrees that there is no reasonable likelihood of protected species being affected directly, whilst disturbance to foraging or commuting bats could be mitigated through a condition controlling external lighting.

7.0 CONCLUSION

7.1 Although the applicant clearly fulfils the local connections and housing need criteria, the scheme is contrary to the relevant planning policies since the site is remote from any recognisable named settlement. Consequently, and notwithstanding the high standard of design and lack of amenity, drainage and ecological issues, there is a strong presumption against new residential development in any form, in order to preserve the generally open character and scenic quality of this upland landscape within the AONB. It is therefore recommended that planning permission is refused.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**8.1 Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

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

10.0 **BACKGROUND**

Relevant Planning Policies:

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 11: Conserving and enhancing the natural environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS1: Strategic Approach

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1/6561/P/ – Erection of agricultural worker's dwelling and formation of vehicular access (permitted May 1996)

11. ADDITIONAL INFORMATION

List of Background Papers:

Application documents available to view on Council website

Cabinet Member (Portfolio Holder):

Cllr M. Price

Local Members:

Cllr Charlotte Barnes

Appendices:

Appendix 1 – Conditions and informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

CONDITIONS

None

INFORMATIVES

1. Despite the Council wishing to work with the applicant in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

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Committee and date
South Planning Committee
22 July 2014

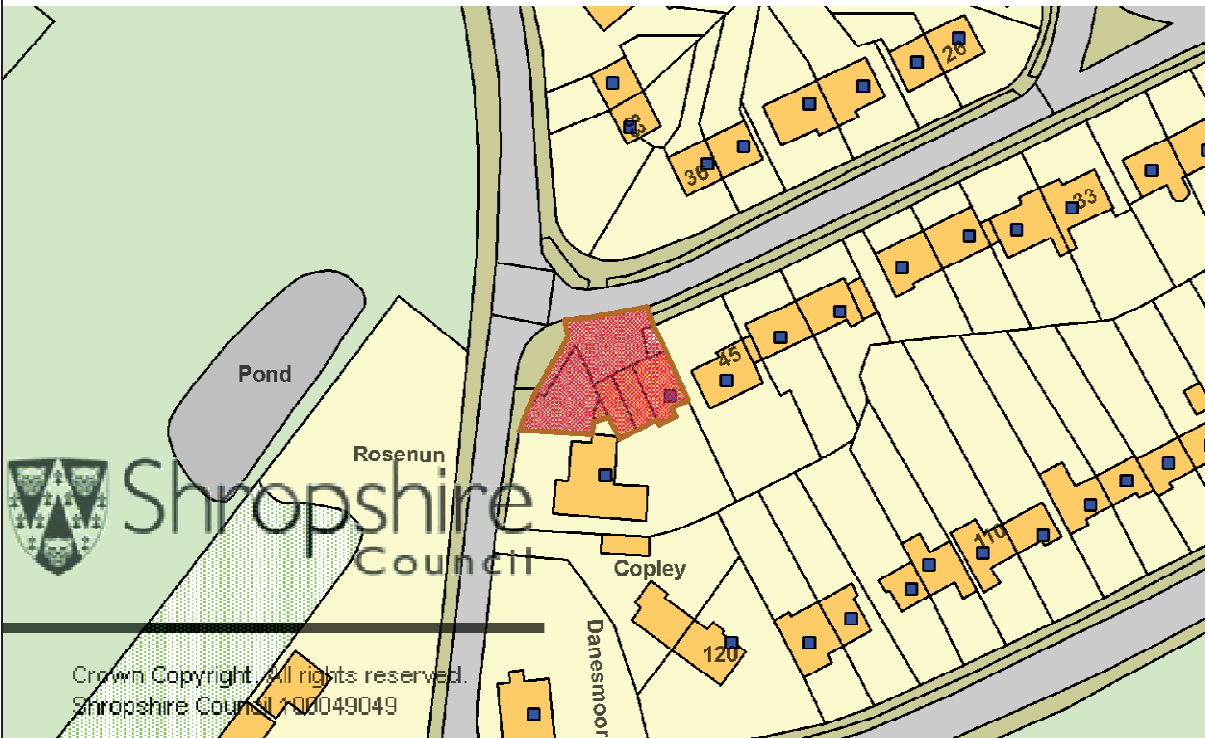
Development Management Report

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

Summary of Application

Application Number: 14/01841/FUL	Parish: Albrighton
Proposal: Erection of 3 bedroom detached bungalow with integral garage following demolition of existing store	
Site Address: Elm Road Stores Bishton Road Albrighton Wolverhampton Shropshire	
Applicant: Louise Fisher	
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk

Grid Ref: 380715 - 303799



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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 This application is for the erection of a 3 bedroom detached, dormer bungalow with integral garage following demolition of the existing corner shop known as Elm Road Stores at Bishton Road, Albrighton. Accommodation is proposed to comprise a utility, shower room, bedroom, hall, kitchen, lounge and integral garage at ground floor level, and a bathroom, landing, study and 2 bedrooms, one with ensuite, at first floor level over a footprint of approximately 107m². The dwelling will measure 12.5m wide x 8.49m in depth x 6.4m to ridge height, 2.43m to eaves. The roof design is dual pitched with gable ends, 3 dormer windows to the front north facing elevation, 5 roof lights to the south facing rear elevation and a feature window with Juliet balcony serving a first floor bedroom on the west facing side elevation.
- 1.2 Materials are indicated to be red facing brick, plain concrete tiles, white UPVC windows and doors, and block paving to the drive/parking area. A 1.8m high, close boarded fence will be erected to the north west and east boundaries with hedging adjacent to the road. It is proposed to retain the rear wall of the existing building along the southern boundary to define that boundary, but with a reduced height to 2m and openings filled in, the proposed dwelling being set forward of it. Vehicular access will be as existing from Bishton Road and there will be parking provision for 3 vehicles, a reduction of one from the existing shop parking. No trees or hedges are affected. Foul sewage will be disposed of as existing to the main sewer and surface water drainage to new soakaways in the proposed garden area.
- 1.3 During the course of the application the site boundary has been corrected. Additionally, an Affordable Housing Contribution Proforma has been submitted agreeing to pay a financial contribution of £13,500 towards off site affordable housing provision as the internal floorspace is identified as being over 100m² (0.15 x 100m² x 900 = £13,500).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary of the Market Town of Albrighton and to the south west of the Town Centre. It is accessed via estate roads from Cross Road which leads to the A41 in the north east and A464 to the south west. The area is primarily residential and characterised by semi-detached bungalows and 2 storey dwellings of red brick with brown tiles roofs. The dwellings are typical mid 20th Century design with hipped roofs and chimneys, the 2 storey properties having brick porches. The site is located between 2 bungalows facing north onto the junction of Bishton Road with Elm Road.
- 2.2 It is understood that the property is a former commercial shop which has been empty for approximately 5 years and recently sold at auction. The existing building is a single storey brick structure of a relatively low height with a mono-pitch roof sloping downwards to the south and a parapet ridge atop the cream painted front

elevation. The exterior is starting to deteriorate. The rear elevation forms the side boundary of the neighbouring rear garden at 'Rosenun', due to the relative angles of the properties, and the east facing side elevation forms the side boundary with no. 45 Bishton Road. There is currently no rear outside amenity space and the rear boundary of 'Rosenun' abuts the side of the rear garden at no. 45. The building is essentially a square unit with most of the openings, including a shop window, in the front elevation. The remainder of the plot comprises a tarmac parking area between the front elevation and Bishton Road and a triangular grass area to the west side. The plot covers approximately 290m².

- 2.3 Directly to the east is a line of bungalows some of which have off road parking, but not all. These are aligned with the orientation of the existing shop building. The bungalow to the south side at 'Rosenun' differs in appearance from those to the east in that it is detached, has a larger footprint, plot size, and openings, however its design and materials indicate that it may have been constructed during the same period. To the other side of 'Rosenun' are 2 storey properties. There are also semi-detached 2 storey properties across the road to the north, although these are not directly in front of the plot as its outlook is more accurately across the front gardens and along Elm Road. Land to the west and north west across Elm Road is open Green Belt countryside outside the development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 Albrighton Parish Council – At its meeting of 5th June 2014 objected to planning application 14/01841/FUL on the grounds that the proposed building was not accurately described as a bungalow but was in fact a two storey house which represented an overdevelopment of the site.
- 4.1.2 SC Affordable Homes - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The current affordable housing contribution rate for this area is 15%. The applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed.
- 4.1.3 SC Highways – Raise no objections and recommend a condition requiring the car parking area to be constructed to LPA approval prior to occupation.
- 4.1.4 SC Drainage – Details, plans and calculations of soakaway design, a drainage system if the driveway is non-permeable and finished floor levels above known surface water flooding level could be conditioned if Planning Permission were to be granted.

4.1.5 SC Ecology – No comments submitted to date.

4.2 - Public Comments

4.2.1 Five letters of representation have been received from 3 different addresses, 2 of which are the neighbours on each side of the site. These can be viewed in full online, however their concerns are précised as follows:

- o Overdevelopment, detrimental to the existing street scene.
- o A development of the scale proposed cannot be called a bungalow.
- o All other bungalows in Bishton Road and adjacent Elm Road are single storey.
- o There will be an overbearing impact due to the new first floor.
- o The proposed side wall will dwarf the current wall and the proposed roof ridge will span the entire width of the building which will be very imposing.
- o The increase in height of our wall/fence will be unneighbourly with potential to block light to our living room.
- o Our existing utility window will look directly into the proposed garden, side door and patio window.
- o Our utility window opens out into the proposed garden area.
- o Concerns that the front fence and hedging will possibly reduce vision to traffic, suggest a height limit.
- o Concerns over the shared foul drainage system.
- o Flood issues occur during heavy rain when the drain is unable to take away the volume of water.
- o The stop tap for the main water supply to Rosenun is situated in the proposed garden area of the new development.
- o Question whether any measures have been taken regarding the safe removal of the asbestos part of the existing shop roof.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Drainage
- o Access
- 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.

- 6.1.2 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 re-use of brownfield land. Previous applications on this site for 2 dwellings have been withdrawn following officers' advice that the plot size could only support a single residential unit.
- 6.1.4 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target. On sites where 5 dwellings or more are proposed, the affordable housing provision is expected to be on site, below 5, the contribution is expected to be financial. As the proposal is for a single open market dwelling, an affordable housing contribution proforma has been submitted during the course of the application indicating that a financial contribution in respect of affordable housing will be secured via the completion of a Section 106 Legal Agreement.
- 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 as a shop has been demonstrated by it having been closed for approximately 5 years and the site eventually being sold recently at auction. This corner within a primarily residential estate is not designated as a shopping centre and is only 650m away as the crow flies from the primary shopping area within Albrighton Town Centre.
- 6.2 Design, scale and character
- 6.2.1 It is not felt that the scale of the proposed dwelling is inappropriate. The proposed footprint at 107m² is smaller than that of the existing shop at 128m², allowing for a suitable level of outside amenity space. The roof ridge height equates to that of 'Rosenun' to the west whilst being lower than the 2 storey dwellings opposite. The mass of the roof is more prominent than the hipped roofs of the adjacent buildings as it has gable ends, however this facilitates the first floor provision which is not considered excessive. Although not directly adjacent, there are other dual pitched/gable end roofs within the vicinity at 'Danesmoor' to the south, at Pitchford Road to the north east and on Elm Road to the north. Essentially, the scale and plot size of the proposed dwelling encompasses the varying shapes and sizes found within the surrounding estate.

- 6.2.2 The existing shop building is incongruous within the street scene, its visual appearance, shape and height unlike any of the surrounding properties. Therefore to replace it with a dormer bungalow constructed in materials suitably matched to the adjacent dwellings within a primarily residential area will contribute positively to the street scene. Whilst there is an identifiable character to the estate, individuality is also present, as demonstrated by the existing shop building as well as at 'Rosenun' and 'Danesmoor'. Therefore there is no reason why the proposed design, a fusion of those in the vicinity and replacement of an incongruous element, should not be found acceptable within this area. Additionally the positioning of the proposed dwelling is felt to follow the pattern of the built environment within this estate by continuing the development line around the corner and emulating the siting of the dwellings opposite to the north on the corresponding corner.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 Whilst the concerns of the neighbours are appreciated it is felt that careful consideration of the potential for overbearing and overlooking impacts has been demonstrated in the design of the dwelling.
- 6.3.2 The dwelling has been set further forward than the existing shop building, moving the structure off the rear boundary. This has the advantage of providing a rear patio/yard area for the proposed dwelling and allowing the retention of a 2m high section of the wall of the existing shop building as a boundary wall. It is understood that the neighbour at 'Rosenun' has soft landscaping against and growing up this section of wall which is part of their rear garden and therefore this set up can be retained. Openings on the proposed rear elevation will either be screened by the boundary wall or are high level roof lights which will minimise any overlooking potential. No windows are proposed to the side elevation facing east towards no. 45 and windows in the front elevation will face directly towards any adjacent properties.
- 6.3.3 There are larger areas of glazing proposed to the west facing side elevation including ground floor patio doors and first floor double doors with a Juliet balcony. These will face into the allocated garden area and across towards the north facing side elevation and front garden at 'Rosenun'. There are 2 openings at 'Rosenun' which face towards the site, an obscure glazed utility room window which is on the boundary and one serving a more primary room which is approximately 4m from the boundary. It is felt that overlooking from this side of the new dwelling into 'Rosenun' would be difficult to achieve due to the relative angles of the dwellings which places the lower roof of the bungalow at 'Rosenun' partly in between them, and that an existing 2.3m high section of brick wall is to be retained in addition to the erection of a 1.8m high boundary fence. Whilst the obscure glazing of the utility room window will prevent views into that room, it is noted that this is an opening window which when open would do so over the proposed garden as the side elevation of 'Rosenun' forms the boundary at this point. This is a matter to be agreed upon between the respective owners of the properties.
- 6.3.4 Naturally, the neighbours on both sides will notice a difference from the additional mass proposed at first floor level, however, the new dwelling will be positioned to the north of 'Rosenun' where it will not interfere with the daily light path, and is set slightly forward and to the west of no. 45 where any additional overshadowing from

the added height will be minimal. The proposed dwelling will not be 2 storey height, accommodation is proposed within the roof space and although there will be gables adjacent to each neighbouring property, the proposed eaves are low and the roof pitch in accordance with the surrounding dwellings.

6.4 Drainage

6.4.1 Connection to the mains sewer for disposal of foul drainage is satisfactory as the connection already exists. Otherwise the disposal of surface water drainage can be dealt with by condition, and the redevelopment of this site is an opportunity to improve this aspect of the site's drainage with benefit to the immediate area too.

6.5 Access

6.5.1 It is considered that as the proposed access is located to coincide with the existing wide shop parking area off Bishton Road and set back from the junction with Elm Road, there will be little impact from it. Additionally, open space which is not within the site's ownership is positioned between its boundary and the roads thus retaining clear visibility for vehicles as proposed boundary fencing will be set well back from the corner. Off road parking provision is proposed where not all residences in Bishton Road have that benefit.

6.6 Ecology

6.6.1 Whilst SC Ecology have not commented on this application, advice was provided in relation to a Pre-Application Enquiry at the site in August 2012 where the existence of a pond was noted within 100m of the site which could have the potential to support Great Crested Newts. All ponds in the vicinity are outside the development boundary across roads and not within the estate, therefore it is felt unlikely that the site would support Great Crested Newts. However, a suitable informative will be applied to ensure awareness of their Protected Species Status.

7.0 CONCLUSION

7.1 The site is in a sustainable location within the development boundary of one of Shropshire's Market Towns on brownfield land where the loss of the shop at the site is already established. 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. Improvements will be made to the drainage of the site and access into it will not impact on highway safety.

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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

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

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

Albrighton Neighbourhood Plan 'Light'

RELEVANT PLANNING HISTORY:

14/00408/FUL - Conversion of existing shop into two residential units to include first floor extensions to create additional accommodation (re-submission) - Withdrawn 28th March 2014.

13/01237/FUL - Conversion of existing shop into two residential units to include first floor extensions to create additional accommodation - Withdrawn 28th August 2013.

BR/81/0547 – The use of part of shop premises as a printing workshop and store at Middle Shop, Elm Road/Bishton Road, Albrighton. Granted 11th September 1981.

11. Additional Information

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 received on 23 rd April 2014

Cabinet Member (Portfolio Holder)
--

Cllr M. Price

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

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.

CONDITION(S) 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 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 percolation tests have been carried out and soakaways designed in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development. The site lies within a groundwater Source Protection Zone 3. Surface water run-off must be treated through a filtration unit prior to entering the soakaway. Surface water should pass through a silt trap or catchpit just prior to entering the soakaway to reduce sediment build up within the soakaway.

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

5. No development approved by this permission shall commence until details of existing and proposed finished floor levels have been submitted to and approved by the local planning authority.

Reason: In the interest of maintaining the amenity value of the area.

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

6. The development hereby permitted shall not be brought into use until the car parking area shown on approved plans has been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking space thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

7. 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
- fences, gates or walls
- any windows or dormer windows or other openings

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

8. The garage hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the dwelling hereby approved but not including use as living accommodation.

Reason: To safeguard the residential character of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid congestion of adjoining streets by parked vehicles.

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

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

5. 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.
6. 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.
7. Consent is required from the service provider to connect into the foul main sewer.
8. The advice of Shropshire Council Drainage is attached for your information.
9. 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.
10. 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

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

Albrighton Neighbourhood Plan 'Light'

11. 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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Committee and date

South Planning Committee

22 July 2014

Development Management Report

Responsible Officer: Rachael Parry
 email: rachael.parry@shropshire.gov.uk Tel: 01743 252669

Summary of Application

Application Number: 14/02130/LBC	Parish:	Cleobury Mortimer
Proposal: Installation of replacement windows to include double glazing to rear ground and first floor affecting a Grade II Listed Building		
Site Address: Butlers Of Cleobury, Brunswick House 23 High Street Cleobury Mortimer Kidderminster DY14 8BY		
Applicant: Mr G Butler		
Case Officer: Rachael Parry	email: historic.environment@shropshire.gov.uk	

Grid Ref: 367322 - 275701

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

REPORT

1.0 THE PROPOSAL

- 1.1 Application for Listed Building Consent for the following works
- Installation of three replacement windows to rear elevation
 - New windows to be constructed of timber, painted white with double glazed units

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Brunswick House is a grade II listed building and located within the Cleobury Mortimer Conservation Area. It is currently occupied at the ground floor by a retail unit and post office, with residential above. The building is constructed from brick with a rendered plinth and has stone rubble sides and rear under a plain tile roof.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is made, by and relates to the property of a Shropshire Council Member.

4.0 Community Representations

- Consultee Comments
SC Ecology – no comments
- Public Comments
None received

5.0 THE MAIN ISSUES

Impact on architectural character and interest of the Listed Building

6.0 OFFICER APPRAISAL

- 6.1 Impact on Listed Building
- 6.1.1 The proposed works to this building include the replacement of three windows on the rear elevation with timber double glazed white painted windows. All windows are rotten and detract from the traditional character and appearance of this property. The applicant has agreed via email that the larger window at ground floor will be replaced with a window to match in design to that above on this elevation, which is seen as enhancement. The joinery details will be conditioned to ensure a sensitive replacement is approved prior to insertion. Double glazed units will be incorporated to upgrade the energy performance of the building. Traditional materials and finishes will be incorporated so to not detract from the buildings historic qualities.

7.0 CONCLUSION

The proposals include works to a grade II listed building. The works will not have a detrimental impact on the significance, fabric, character or appearance of the building. As such the scheme complies with the main objectives of relevant development plan policy and it is recommended that listed building consent is granted.

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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF – Parts:

12 Conserving and enhancing the historic environment

PPS5: Historic Environment Planning Practice Guide

West Midlands Regional Spatial Strategy Policies:

QE5 – Protection and Enhancement of the Historic Environment

Core Strategy:

CS6 – Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

SS/1974/-/A/3971 Display of an illuminated 'Midland Bank' advertisement sign. REFUSE
27th March 1974

SS/1968/-/A/2781 Display of "Midland Bank" advertisement sign GRANT 2nd October
1968

12/03504/FUL Installation of 1. external condensing unit to the rear elevation (amended
description) GRANT 31st May 2013

12/03505/LBC Installation of 1no. external condensing unit to the rear elevation and 1no.
compressor unit within the cellar affecting a Grade II Listed Building (amended
description) GRANT 31st May 2013

SS/1/08/20559/LB Installation of a 0.74m satellite dish on rear elevation (south)
PERCON 26th June 2008

SS/1/08/20558/F Installation of a 0.74m satellite dish on rear elevation (south) PERCON
26th June 2008

SS/1/07/20233/LB Erection of extension and alterations to shop with flats above;
erection of a metal staircase and a boundary fence. PERCON 10th March 2008

SS/1/07/20232/F Erection of extension and alterations to shop with flats above; erection
of a metal staircase and a boundary fence. PERCON 10th March 2008

SS/1/7143/L/ Conversion of existing basement office to a sorting office and provision of
new external entrance door and steps to rear of property. PERCON 17th October 1996

SS/1/5731/P/ Installation of a satellite antenna PERCON 22nd June 1995

SS/1/4812/L/ Conversion of second floor to 2 x 2 bed self-contained flats PERCON 18th
August 1994

SS/1/4811/P/ Conversion of second floor to 2 x 2 bed self-contained flats PERCON 18th August 1994
 SS/1/4018/L/ Conversion of upper floors to 5 no. one-bed, self-contained flats. PERCON 9th December 1993
 SS/1/4017/P/ Conversion of upper floors to 5 no. one-bed, self-contained flats. PERCON 9th December 1993
 SS/1/2555/L/ Change of use from existing bank to a post office DC 21st May 1992
 SS/1/2554/P/ Change of use from existing bank to a post office DC 21st May 1992
 SS/1980/399/P/ Change of use from residential to offices of existing living accommodation. PERCON 25th July 1980
 SS/1/02/13521/LB Internal refurbishment, provision of access and alterations to fenestration of building. PERCON 25th September 2002
 SS/1/02/13520/F Internal refurbishment, provision of access and alterations to fenestration of building. PERCON 25th September 2002
 SS/1/04/16075/LB Erection of an extension to the rear elevation. REFUSE 16th September 2004
 SS/1/04/16074/F Erection of an extension to the rear elevation. REFUSE 16th September 2004
 SS/1/05/17181/LB Erection of an extension to property. (Re-advertised - amended plans) REFUSE 11th November 2005
 SS/1/05/17180/F Erection of an extension to property. (Re-advertised - amended plans) REFUSE 11th November 2005
 SS/1/00/11172/LB Erection of a notice board. PERCON 28th July 2000
 SS/1/00/11171/AD Erection of a notice board. PERCON 28th July 2000
 SS/1/03/14083/LB Display of an illuminated advertisement PERCON 30th January 2003
 SS/1/02/13962/AD Display of an illuminated advertisement PERCON 30th January 2003
 SS/1/06/18377/LB Erection of an extension to Post Office premises and demolition of existing structures REFUSE 17th August 2006
 SS/1/06/18376/F Erection of an extension to Post Office premises and demolition of existing structures REFUSE 17th August 2006
 SS/1984/-/A/271 Display of an internally illuminated fascia sign. PERCON 11th June 1984
 SS/1984/-/L/458 Display of an internally illuminated fascia sign. PERCON 11th June 1984

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) 14/02130/LBC
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member(s) Cllr Gwilym Butler Cllr Madge Shineton
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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. Notwithstanding the details on the approved plans, the ground floor window shall be replaced with one of a design which matches that above. Listed Building Consent is not granted for the design show on the elevation drawing.

Reason: For avoidance of doubt and to ensure the satisfactory preservation of the Listed Building.

3. No works shall be carried out other than in accordance with the approved plans. This consent does not indicate approval for associated or enabling works not included in the approved plans, which may be necessary to carry out the scheme. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

Reason: To ensure the satisfactory preservation of the Listed Building.

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 Listed Building.

Informatives

1. 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.



Committee and date

South Planning Committee

22 July 2014

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 22.7.14

LPA reference	13/03110/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr I Taylor
Proposal	Outline application (all matters reserved) for the erection of seven dwellings
Location	Land South Of Meadow Bank, Coreley, Hints
Date of appeal	20/06/14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/04159/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Ms K Hemsley
Proposal	Outline application for the erection of a dwelling to include means of access
Location	53 Brimstree Drive, Shifnal, Shropshire, TF11 9PX
Date of appeal	20/06/2014
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/03434/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Aubrey Jones
Proposal	Outline application for erection of a detached dwelling
Location	Land Adjoining The Sticks Aston Rogers Westbury Shropshire
Date of appeal	27.03.2014
Appeal method	Written Reps
Date site visit	18.06.14
Date of appeal decision	03.07.14
Costs awarded	None
Appeal decision	Dismissed

LPA reference	13/04159/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr B Holloway
Proposal	Outline application (access and footpath) for phased mixed residential development; formation of vehicular access and new footpath
Location	Proposed Residential Development Land Worthen, Shropshire, SY5 9HT
Date of appeal	09.07.2014
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/00676/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Lewis
Proposal	Erection of two dwellings, alterations to existing vehicular access and formation of private driveway
Location	Land SW Of Church Snailbeach Shropshire
Date of appeal	04.07/14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 18 June 2014

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 3 July 2014

Appeal Ref: APP/L3245/A/14/2215708

Land Adjoining The Sticks, Aston Rogers, Westbury, Shropshire

- 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 Aubrey Jones against the decision of Shropshire Council.
 - The application Ref 13/03434/OUT, dated 22 August 2013, was refused by notice dated 22 October 2013.
 - The development proposed is the construction of one detached house.
-

Application for Costs

1. An application for costs was made by Mr Aubrey Jones against Shropshire Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. Since the determination of the appeal application the Planning Practice Guidance has been published. Although regard has been had to this guidance it does not materially alter the matters which have been identified by the parties.
4. In the absence of a representative from the Council, the site visit was undertaken on an unaccompanied basis with the appeal site viewed from the adjoining track.
5. For reasons of precision, the site address has been adopted from the Council's decision notice.
6. The appeal application was in outline form but seeking approval for both access to and the scale of the proposed development.

Main Issue

7. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.
-

Reasons

8. The proposed development includes the erection of a dwelling within the garden of The Sticks. Gardens are not included in the National Planning Policy Framework's (the Framework) definition of previously developed land but the erection of dwellings is not precluded subject to other policy considerations.
9. In this case, although forming part of a small collection of dwellings, the appeal site is situated within open countryside rather than within or on the edge of the generally linear settlement of Aston Rogers. The Framework refers to avoiding new isolated homes in the countryside unless there are special circumstances. None of the special circumstances identified in the Framework apply to the appeal scheme. Similarly, Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) does not include criteria which supports the erection of the proposed dwelling on the site.
10. The appellant claims that the proposed development is consistent with the emerging policy of the Site Management and Allocation of Development Document (SAMDEV). The emerging policy includes the potential for a limited number of dwellings to be erected within a cluster of settlements including Aston Rogers. SAMDEV has yet to be submitted for examination and its contents may well change. For these reasons, I have attached only limited weight to the emerging policy. Further, the available information indicates that these dwellings are expected to be erected on sites within or on the edge of the settlements and I do not regard to site to be on the edge of a settlement.
11. The appellant has identified that planning permission was granted by the Council for the erection of 2 adjacent dwellings (Ref 1/04/15387/F). However, this permission appears to have involved the redevelopment of a site which included existing, albeit smaller, dwellings and is, therefore, not directly comparable to this appeal scheme. Although the claims of the appellant concerning the neglected state of the garden have been noted this does not detract from its contribution to the surrounding verdant and open countryside.
12. The scale of the proposed dwelling was not reserved for future approval and the planning application form and the Design and Access Statement both refer to the proposed development being a 4-bedroom house. Because of its scale the proposed dwelling would be noticeable from the adjoining track and, by reason of elevation, the B4386 which would lead to an accentuation of the visual intrusion caused by the existing dwellings.
13. Even if a 3-bedroom dormer style bungalow was proposed then there would still be an adverse visual impact because of the site's elevation. In reaching this judgement the existing vegetation adjacent to the site has been taken into account. The appeal scheme would conflict with CS Policy CS6 which, amongst other matters, requires development to protect, restore, conserve and enhance the natural environment and take into account local context and character.
14. Reference has been made by the appellant to the shortfall in housing land within Shropshire and that housing proposals should be considered against the presumption in favour of sustainable development identified in the Framework. The appellant has also noted that appeals have been allowed within Shropshire because of the lack of an identified 5-year supply of housing sites. The details of these other schemes are not provided and, in such circumstances, whether

they involve the erection of dwellings not within or on the periphery of a settlement is unclear. Accordingly, only limited weight is given to these other schemes.

15. Although the lack of a 5 year supply of housing sites has been noted and the appeal scheme is a housing proposal, by reason of its location within open countryside and the absence of easy access to local facilities, the proposed development would not be a sustainable form of development. Further, the other benefits identified by the appellant in support of the appeal scheme do not demonstrably and significantly outweigh the adverse harm which has been identified. These benefits are claimed to include the absence of an objection from the Parish Council, job creation, re-use of a neglected garden, the potential occupancy by a young family with school aged children and availability of a foul water sewer connection.
16. The comments of local residents concerning potential harm to their living conditions and the effect of traffic and surface water flows along the access track have been noted but none of these matters alter the main issue which has been identified.
17. For the reasons given, it is concluded that the proposed development would cause adverse harm to the character and appearance of the surrounding area and, as such, it would conflict with CS Policies CS5 and CS6 and the Framework. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR

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