

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

Date: Monday, 11 August 2014

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

**Date:** Tuesday, 19 August 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](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## **1 Apologies for Absence**

To receive any apologies for absence.

## **2 Minutes (Pages 1 - 14)**

To confirm the minutes of the South Planning Committee meeting held on 22 July 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 Hill Cottage, Clive Avenue, Church Stretton, Shropshire, SY6 7BL (13/03805/OUT) (Pages 15 - 32)**

Outline application for the erection of three detached houses with garages to include means of access and layout.

## **6 The Habit, 30 East Castle Street, Bridgnorth, Shropshire, WV16 4AN (13/04956/FUL) (Pages 33 - 50)**

Erection of one dwelling and formation of access.

## **7 Land Between Lawton Road And Stanton Road, Shifnal, Shropshire (13/05136/OUT) (Pages 51 - 90)**

Outline application (vehicular access for approval) for mixed residential development and care home (Use Class C2); public open space, landscaping, car parking, and all other ancillary and enabling works.

## **8 Bradeney House, Worfield, Bridgnorth, Shropshire, WV15 5NT (14/00493/FUL) (Pages 91 - 114)**

Erection of fourteen 'close care' single storey dwellings under use class C2 (nursing/residential care); estate roads and parking areas.

## **9 Field House, Beamish Lane, Albrighton, Wolverhampton, WV7 3JJ (14/00622/FUL) (Pages 115 - 128)**

Change of use of existing detached swimming pool building within the grounds to Field House into one no. dwelling to include extension over existing roofed patio to create additional internal habitable space.

**10 Land at Secret Hills Discovery Centre, Market Street, Craven Arms, Shropshire, SY7 9RS (14/01979/FUL) (Pages 129 - 138)**

Erection of bird hide and fencing to form red kite feeding area.

**11 Schedule of Appeals and Appeal Decisions (Pages 139 - 140)**

**12 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, 16 September 2014, in the Shrewsbury Room, Shirehall.

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## Committee and Date

South Planning Committee

19 August 2014

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 22 July 2014**

**2.00 - 5.32 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, John Hurst-Knight, Cecilia Motley, William Parr, Madge Shineton, Robert Tindall, Heather Kidd (Substitute) (substitute for Richard Huffer), Vivienne Parry (Substitute) (substitute for Nigel Hartin) and David Turner (Substitute) (substitute for Tina Woodward)

### **30 Apologies for Absence**

Apologies for absence were received from Councillors Nigel Hartin (substitute: Vivienne Parry), Richard Huffer (substitute: Heather Kidd) and Tina Woodward (substitute: David Turner).

### **31 Minutes**

#### **RESOLVED:**

That the Minutes of the South Planning Committee held on 24 June 2014, be approved as a correct record and signed by the Chairman, subject to it being noted that Minute No. 20, paragraph 2, bullet point No. 3 should read:

- The concerns with regard to the frequent and rapid turnover of vehicles using the adjacent short stay car park would be further complicated by the provision of a new access.

### **32 Public Question Time**

There were no public questions.

### **33 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 14/01016/OUT, Councillor J Hurst-Knight declared that, for reasons of pre-determination, he would make a statement and then leave the room and take no part in the consideration of, or voting on, this application.

**34 Proposed Residential Development South of A49 Ludlow, Shropshire (13/03862/OUT)**

With reference to Minute No. 22, The Technical Specialist Planning Officer introduced the application and confirmed Members had undertaken a further 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 applicant.

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:

- His concerns with regard to water run-off, flooding and the footbridge. He expressed support for the scheme but continued to express his opposition to the footbridge and suggested that it should be removed from the proposal.

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 proposed housing area would not be in the flood plain;
- Several options for attenuation had been put forward and considered to be satisfactory and the development would not exacerbate water run-off;
- The junction arrangements and the roundabout had been scrutinised by Highway Officers and considered to be acceptable;
- The footbridge had been considered as being beneficial but not essential so would be willing to remove it from the scheme; and
- No demonstrable harm had been identified.

In response to a question from a Member, Mr Williams confirmed that the footbridge had been the subject of consultation and discussion with the Estates Division of Network Rail.

In response to questions from Members, the Technical Specialist Planning Officer, the Area Planning and Building Control Manager and the Area Highways Development Control Manager (South) provided further clarification on access arrangements, the distance of the proposed dwellings from the rail track, the

implications of the sub five year land supply and reiterated that no objections had been received from National Rail and Public Protection Officers.

In the ensuing debate, Members noted the comments and concerns of all speakers. They continued to express their own concerns relating to access, noise and rail line safety, the possibility of increased train journeys in the future, the close proximity of the River Corve and the detrimental impact on the historical setting of the town. A Member commented that children should be encouraged to play outside and this proposal would not be conducive to such an ambition.

**RESOLVED:**

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

- The proposed development, through the close proximity and the associated dangers of the A49, River Corve and the railway, noise from road traffic and train movements, and the potential for an increased number of train journeys in the future would detract from the living conditions and be detrimental to the amenities and safety of residents. The site has poor accessibility and is considered to be an unsuitable location for residential development contrary to Policy CS6 Sustainable Design and Development Principles of the Council's adopted Core Strategy and Paragraph 17 (point 4) of the National Planning Policy Framework (NPPF). These adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire.

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

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

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, the Chairman 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:

- Notwithstanding his comments expressed at the previous meeting which had reflected his concerns with regard to the overdevelopment and cumulative impact on Shifnal, he commented that this particular site would be suitable and acknowledged that the site had been identified as a possible site in the Revised Preferred Options version of the Site Allocations and Management Development (SAMDev) Plan; and
- Shifnal did not currently have a sensible road network to cope with all this additional traffic, however, possible schemes such as 'shared space' were currently being considered.

With reference to Minute No. 22, the Area Planning and Building Control Manager introduced the application and drew Members' attention to a letter submitted by the

applicant following the last meeting which had indicated that there was no evidence to conclude that any harm would come from the development and the £350,000 Community Infrastructure Levy monies would go towards the provision of medical and school facilities and to address infrastructure issues.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Ms J Hodson, 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:

- Consultation with Planning Officers had been undertaken prior to submitting the application;
- The development would provide a mix of affordable and two/four bedroomed houses;
- Drainage and ecology had been considered satisfactory and no technical issues had been raised; and
- This was a very sustainable site and she urged approval.

In response to questions from Members, the Area Planning and Building Control Manager and the Area Highways Development Control Manager (South) explained that work was currently being undertaken on developing a Travel and Movement Strategy for Shifnal; there were insufficient highway safety implications to justify refusal; and Shropshire Council had an obligation to determine the planning application and to defer the proposal until the Travel and Movement Strategy was in place was not a recommended way forward.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

**RESOLVED:**

That planning permission be granted as a departure 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 the A464 Wolverhampton Road;
- Provision and maintenance of the open space by an appropriate body;
- Satisfactory amendments being made to the Great Crested Newt mitigation strategy;
- The conditions as set out in Appendix 1 to the report; and
- Development to commence before the expiration of two years from the date of permission.

(At this point the Chairman returned to the meeting and resumed the Chair.)



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

With reference to Minute No. 11, the Principal Planner introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, access and amended layout.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr T Hockenull, 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:

- Additional water on top of existing watercourses would lead to problems downstream;
- No substantial changes or concrete proposals had been made to deal with the problems and dangers associated with the Woodbatch / Kerry Lane junction;
- No account had been taken of garden ponds and the presence of Great Crested Newts and the two roosts nearby; and
- He urged refusal.

Councillor Mrs A-M Jackson, representing Bishop's Castle Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would be contrary to paragraphs 14 and 17 of the NPPF. The presumption in favour of sustainable development did not apply because when assessed against the policies in the NPPF taken as a whole the adverse impacts of granting approval would significantly and demonstrably outweigh the benefits;
- The community had rejected sites on this side of town for housing development during the rigorous SAMDev consultation because of access problems to the town's hinterland;
- New housing need in Bishop's Castle was for affordable housing for local young people and families. This was one of the most frequently quoted requirements in a recent survey undertaken to update the Town Plan. The retention of young people in the area would help the town to thrive and this proposal would generate only two affordable homes;
- To exit the development traffic had to use Kerry Lane, which was only one-vehicle width in places, with five junctions within a 440 m stretch and much of its length had no pavement. This Lane was already unsuitable for existing residents and businesses and was the only means of access for existing dwellings, a primary school, Sure Start facility, two sheltered accommodation facilities, nursing home, fire station, church hall, bowls club, and a pub and brewery; and
- Further applications would follow if this one was granted, which would exacerbate the already significant problems that existed on Kerry Lane.

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

- The Officer's report confirmed that the concerns had been satisfactorily addressed;
- Drainage would be improved; and
- The junction arrangements had been considered to be acceptable and would be beneficial to the area.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Charlotte Barnes, as local Member, participated in the discussion but did not vote. During her statement, the following points were raised:

- Concerns with regard to the inability of the road network to cope with the existing traffic. More traffic would exacerbate existing problems, widening Woodbatch Road would not make any difference, there were places where two cars could not pass and it would be impossible to improve the access; and
- A further affordable housing application had not yet been submitted so could not be taken into account; and
- The dwellings, if built, would not be affordable for local people.

In response to comments and questions from speakers and Members, the Area Highways Development Control Manager (South) explained that the impact of the nine dwellings on Woodbatch Road had been assessed and a judgement had been made that the impact of a further nine houses, along with the widening of Woodbatch Road, would be minimal. A meeting had taken place with the Town Council and the local Ward Member and proposals had been put forward and options had been discussed. The applicant had agreed to a financial contribution towards any improvements and these improvements would be made in consultation with the local Ward Member and the Town Council.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and it was unanimously

**RESOLVED:**

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

- The Bishop's Castle community had overwhelmingly rejected sites on this side of the town for housing development during a rigorous SAMDev consultation exercise because of access problems to the town's hinterland. Other more appropriate sites had been identified;
- A need for affordable housing had been identified in the area and the contribution of this application to the affordable housing stock would be minimal; and
- This proposal would exacerbate the already significant traffic problems that exist along Kerry Lane. To exit the proposed development site and the town, traffic would have to use Kerry Lane, which, in places is a single track road, has no

footpath in places, has five junctions within close proximity, and is already unsuitable for existing residents and businesses. The deficiencies in the local road network would not achieve a good standard of amenity for existing occupants of the area and the occupants of the proposed dwellings.

Accordingly, the proposed development would be contrary to paragraph 17 of the National Planning Policy Framework and Core Strategy policy CS6 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

(Councillor William Parr left the meeting during consideration of the above item, did not vote and did not return to the meeting.)

(The meeting adjourned at 3.56 pm and reconvened at 4.03 pm.)

### **37 Land off Oldbury Road, Bridgnorth, Shropshire (14/01016/OUT)**

With reference to Minute No. 27, the Area Planning and Building Control Manager introduced the application. He drew Members' attention to the Heritage Impact Assessment submitted by the applicant and the Schedule of Additional Letters circulated prior to the meeting and which detailed further comments from objectors and Shropshire Council's Highways and Conservation Officers. He further explained that the applicant had confirmed a commitment to deliver the development in a timely manner and as detailed in the revised Conditions Nos. 2 and 3.

Members had undertaken a site visit on a previous occasion and had assessed the impact of the proposal on the surrounding area.

By virtue of his declaration at Minute No. 33 and 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 and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The proposal had remained unchanged so the decision made at the last meeting should stand. He urged Committee to stand by their previous judgement.

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 proposal would have a detrimental impact on the Conservation Area;
- The Conservation Area had not been reassessed even following the building of the bypass; and
- It was important that Oldbury retained its rural character.

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 report had been recommended for approval by the Planning Officer; and
- Further comments had been received from the Conservation Officer and further clarity had been provided by Highways Officers.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. They unanimously expressed support for the refusal decision made at the previous meeting.

**RESOLVED:**

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

- 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.

**38 The Rectory, Church Street, Broseley, Shropshire, TF12 5DA (14/01393/FUL)**

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning 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 the previously refused and now proposed elevations.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Dr Jean Jones, as local Member, participated in the discussion but did not vote. During her statement, the following points were raised:

- Following the previous refusal decision the Diocese had met with residents and the Town Council in an attempt to address any concerns. However, some concerns still remained and five letters of objection had been submitted with regard to this current proposal; and
- This was an historic Conservation Area and should be accorded proper consideration. Appropriate conditions should be attached to any permission

and it would be imperative that these conditions be monitored and strictly adhered to.

In the ensuing debate Members commented that this was an improved scheme and echoed Councillor Dr Jones's comments and concerns that conditions should be strictly adhered to and monitored appropriately. In response to these concerns, the Area Planning and Building Control Manager explained that the conditions would be assessed and fell under the auspices of the Conservation Officers; however, resource implications to carry out such monitoring could be a major factor and Officers would be heavily reliant on the local people and Parish Council to report any anomalies.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation and subject to the conditions set out in Appendix 1 to the report.

**39 Proposed Residential Development Land Off St Stephen's Place, Bridgnorth, Shropshire (14/01690/FUL)**

The Principal Planner introduced the application and confirmed Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, floor plan and proposed elevations. With reference to paragraph 6.4.2, he suggested an additional condition which would ensure appropriate location of the communal bin storage area.

Members noted the additional information detailed in the Schedule of Additional Letters which had been circulated prior to the meeting detailing further objections.

Mr D Shadbolt, 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:

- An acknowledgement of the reduction in dwellings and the increased distance from the boundary to the properties in Palemeadow Road; albeit the amended proposal would still have an overbearing impact on neighbouring properties;
- The outlook from over half of his garden would be onto a gable end;
- The site should be developed from the centre outwards;
- The development would be out of character with the Conservation Area;
- Less than 22 dwellings would be prejudicial to obtaining funding; and
- Concerns with regard to narrow Severn Street access particularly during construction.

Mr A Shaw, 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:

- Concerns with regard to the way Bridgnorth Town Council had considered this planning application.

At this juncture, the Chairman and the Solicitor explained that Bridgnorth Town Council was a consultee and the way in which the Town Council conducted their discussions on a planning application was not a matter for Shropshire Council. Any concerns should be taken-up by Mr Shaw directly with the Town Council.

In the ensuing debate, Members considered the revised scheme and the written and verbal comments of all speakers. Some Members commented that the proposal did not reflect or complement the architecture of the area, particularly as part of the site was situated within a Conservation Area and expressed concerns with regard to the access. On being put to the vote, the majority of Members supported the proposal.

**RESOLVED:**

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

- A Section 106 Agreement to control the occupation of the residential units;
- The conditions set out in Appendix 1 to the report; and
- An additional condition to ensure the location of the communal bin storage area be approved in writing by the local planning authority prior to the first occupation of the dwellings.

**40 Proposed Exception Dwelling South Of Upper Stedment, Ratlinghope, Shropshire (14/01796/FUL)**

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, floor plan and proposed elevations.

Councillor P Rogers-Coltman, representing Wentnor Parish Council, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Confirmation of the Parish Council's support for the proposal;
- The applicant had lived in the area for 17 years and wanted to downsize to accommodation more suitable for their current and future needs and to be closer to their daughter-in-law who would be responsible for their future care;
- There was a shortage of bungalows in the area and they rarely became vacant; and
- Would provide an affordable dwelling for local people in the future.

Mr M Unwin, representing 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 dwelling would enable his parents to live close enough to their family to provide them with care and support; and
- It would release a family property onto the market.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Charlotte Barnes, as local Member, participated in the discussion and spoke for the proposal but did not vote. During her statement, the following points were raised:

- The support expressed by the Parish Council for this proposal and their wish to see an affordable dwelling as opposed to an open market dwelling; and
- There would be no significant overlooking and the design would be sympathetic and in keeping with the area.

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

**RESOLVED:**

That, contrary to the Officer's recommendation, planning permission be granted, subject to and in consultation with the Chairman, appropriate conditions being added relating to:

- A Section 106 Agreement relating to an affordable housing occupancy restriction;
- Landscaping;
- Fencing;
- Ground levels;
- Ecology;
- Drainage; and
- Design and materials.

**41 Elm Road Stores, Bishton Road, Albrighton, Wolverhampton, Shropshire (14/01841/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 and proposed elevations.

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

- He lived adjacent to the application site and the existing shop wall formed the side boundary of his garden;

- The proposal for a dormer bungalow would be out of keeping with the area with all other properties in Bishton Road being bungalows.
- His utility window would open out onto the proposed dwelling and the inclusion of a first floor would impact greatly on his property; and
- There was a shortage of bungalows in the area.

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

- The proposal would have a negative impact on the street scene;
- This was a main access to this area of Albrighton and the dwelling would be out of character with the others in this area and stand out like a sore thumb; and
- Would be contrary to the Albrighton Neighbourhood Plan.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Malcolm Pate, as local Member, participated in the discussion and spoke against the proposal but did not vote. During his statement, the following points were raised:

- The dormer bungalow would be an over development of the site and totally out of keeping with the surrounding area;
- Would be overbearing to neighbouring properties; and
- No objection to a one storey bungalow and of a design more in keeping with the streetscene.

In the ensuing debate, Members noted the comments of all speakers and unanimously agreed that it be

**RESOLVED:**

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

- The proposed development, by reason of the full gable roof form, large expanse of roof and ridge height which would exceed that of the adjacent bungalow to the east, would result in a dwelling which would be an over development of the site, detracting from the amenities of the adjacent properties through having an overbearing impact, and detracting from the character and appearance of the streetscene. The proposal would therefore be contrary to Shropshire Core Strategy policy CS6 and paragraphs 56 to 64 of the National Planning Policy Framework.

(Councillor Heather Kidd left the meeting during consideration of the above item, did not vote and did not return to the meeting.)



**42 Butlers Of Cleobury, Brunswick House, 23 High Street, Cleobury Mortimer, Kidderminster, DY14 8BY (14/02130/LBC)**

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

- The windows were in disrepair and were in need of replacement.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the conditions set out in Appendix 1 to the report.

**43 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 22 July 2014 be noted.

**44 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, 19 August 2014 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....

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Committee and date

South Planning Committee

19 August 2014

## Development Management Report

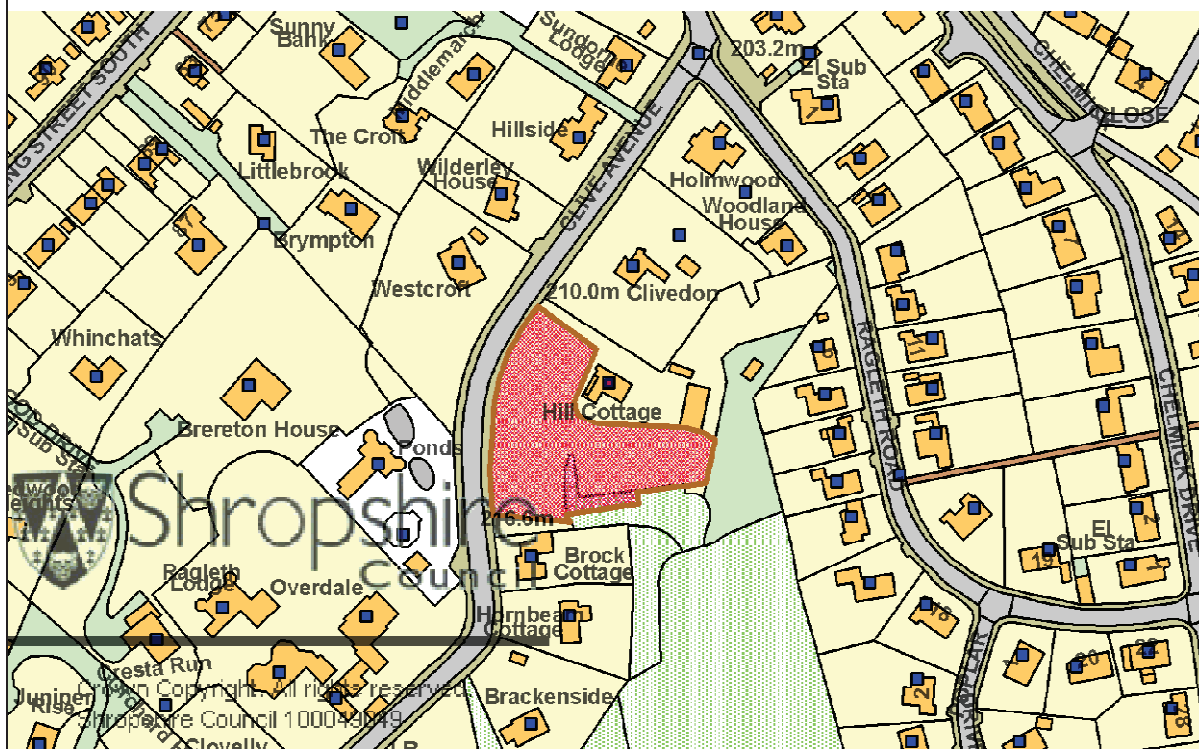
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 13/03805/OUT	<b>Parish:</b> Church Stretton
<b>Proposal:</b> Outline application for the erection of three detached houses with garages to include means of access and layout	
<b>Site Address:</b> Hill Cottage Clive Avenue Church Stretton Shropshire SY6 7BL	
<b>Applicant:</b> Mr & Mrs C Beaumont	
<b>Case Officer:</b> Graham French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 345717 - 293172



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

## REPORT

### 1.0 THE PROPOSAL

1.1 Permission is sought for the erection of three detached dwellings on garden land forming part of Hill Cottage, Clive Avenue, Church Stretton. Access would be obtained via Clive Avenue. The application is in outline at this stage with all matters reserved except for the access to the site.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Hill Cottage is a detached property sitting within a large plot on the south east side of Clive Avenue, 95m south west of its junction with Ragleth Road. Clive Avenue is an un-adopted road with wide grass verges, stone walls and extensive tree planting which leads up the lower slopes of Ragleth Hill. The area is characterised by Edwardian properties sitting in large plots with mature vegetation around the boundaries. A number of recent permissions have been granted for new infill development, some on appeal. The site is surrounded by mature vegetation. This was also previously present within the site but has recently been cleared.

2.2 As with all of Church Stretton, the site is located within the AONB. An existing Conservation Area was extended to encompass the current application site on 18th September 2013. The site nestles in the lower slope of Ragleth Hill with the land falling by approximately 7m from north to south within the site. The Shropshire Way descends Ragleth Hill passing 60m to the east at its nearest.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

### 4.0 Community Representations

- Consultee Comments

4.1 Church Stretton Town Council: objects to the above application on the following grounds:

Clive Avenue is in a Conservation Area, which would give additional planning protection from unsympathetic development which might otherwise spoil the area's special character, including the safeguarding of important trees and open spaces? (John Harrison, responsible officer CA extension). The Town Council believes that

an additional three, four-bedroom houses, along with garages on this plot, would be detrimental to the character of the area.

An outline planning application is not considered appropriate in this case.

This site and surrounding sites contribute to the local landscape, which makes this area so attractive. CS6, 4.81 acknowledges that The quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets. They have a direct impact on quality of life. The quality of life in the Clive Avenue area, prior to the designation of the Conservation Area, has suffered, as more and more infill development has destroyed the splendour of the area.

Garden infill of this nature is not, in the main, considered appropriate where a development would not 'preserve or enhance the character or appearance of the area'. The Town Council seeks reassurance that Para 53 of the NPPF will be adhered to in this case.

Removal of trees, hedgerows and shrubs alter the character of the area, not only for immediate residents, but also for those living across the valley. The removal of trees and greenery has already commenced.

Water roll-off from the additional driveways, hard standing and roofs would compound the difficulty of the culverts further down the hillside to cope with any additional water volume. The drain gratings in the un-adopted Clive Avenue have difficulty coping at present.

The Town Council has been in touch with the Woodland Trust (WT) to confirm or otherwise whether there is a Covenant on Hill Cottage and land. Details of the Council planning portal and planning application details were supplied to the WT. The Senior Legal Officer, Helen Billing ([helenbilling@woodlandtrust.org.uk](mailto:helenbilling@woodlandtrust.org.uk)), in her email to us says, 'The Woodland Trust is the adjoining owner and from our 'title' I suggest we have the benefit of the covenants relating to the development. I cannot be absolutely certain until I see a copy of the developer's 'title'. This position needs clarifying by Shropshire Council before this application proceeds any further. The original owner, we believe, put the Covenant on the land to protect it from development. Helen suggests, that a copy of 'title' should be asked for before any building consent is considered.

4.2 SC Highways: No objections

4.3 SC Trees: No objection: On the basis that felling has denuded the site of trees leaving only a birch pine and yew near the site entrance there are very few on site tree constraints. The trees in the north section of plot one (Birch, pine and yew) should be retained and an appropriate Tree Protection Plan submitted as a reserved matter if the application is approved. Of more significance is the mature protected (TPO) oak tree opposite the site on the west side of Clive Avenue, the tree falls within the ownership of Westcroft. This mature oak is at present in relatively good condition but of an age where root disturbance or toxins washed off a building site could easily result in damage to the tree's good condition and vitality.

The Shropshire council Tree Service will therefore require that a tree protection plan (TPP) be submitted for this tree that includes fencing off the verges in its RPA to avoid vehicular damage and the storage of materials close to the tree. The TPP to be supplemented with an Arboricultural Method Statement that conforms to minimum acceptable standards as set out in BS 5837:2012 where any works such as trenching for new services, turning of delivery vehicles encroach into the Root Protection Area of this protected oak tree. In the light of the above comments I would advise that the following conditions be included should the application be approved (included in Appendix 1):

- 4.4 SC Drainage: No objection subject to conditions and informative notes relating to surface water drainage (included in Appendix 1).
- 4.5 SC Ecology: No objection subject to conditions and informatives in relation to bats and nesting birds and the imposition of a landscaping condition.

-Public Comments

- 4.6 1 Objection: We adjoin the site of the proposed development of three detached houses in the garden of Hill Cottage and wish to object to the application on the following grounds:

1) This application will be the first test of the recently designated Clive Avenue extension to the Church Stretton Conservation Area. Any development should give "special consideration ... to the desirability of preserving or enhancing the character or appearance of the area" Planning (Listed Buildings and Conservation Areas Act) 1990. This application does neither, causing damage to the appearance of a green, heavily wooded yet spacious environment complimented by large Edwardian houses set in sizeable gardens. New developments and approved further development have and will significantly damage the unique ambiance of Clive Avenue, what remains should be preserved.

2) The Government 2012 National Planning Policy framework makes a presumption against building in residential gardens, ie "Garden Grabbing".

3) Normally Outline planning permission is not granted in Conservation Areas to ensure the character and appearance is preserved or enhanced.

4) This application shows significant weakness and inaccuracy. The plans showing the site boundary are still inaccurate even after revisions were made to the original incorrect drawings. The plans and elevations submitted are valueless having been borrowed from elsewhere showing houses being built into a sloping site and having lounges with no external windows or doors!!

5) Prior to two months ago the site was well screened by large numbers of mature trees and shrubberies, most of which have now been felled. As a consequence any development will result in our experiencing a substantial loss of privacy and amenity.

6) Finally, we have been made aware that there is a Restrictive Covenant in favour of the Woodland Trust, preventing residential development in the garden of Hill Cottage.

1 Neutral: I am not an immediate neighbour but reside further up Clive Avenue, needing to pass the site of the application when coming to and going from my house. Whilst it seems a little strange that trees on the site were cut down and the outline application submitted a matter of days before the Conservation Area extension was approved, I cannot see a good reason why this garden should not be developed in the same way as most other large gardens in Clive Avenue. The work of developing the site will inevitably cause nuisance to other Clive Avenue residents and my main concern is that, if consent is granted, conditions are applied to minimise such nuisance and the extent to which it detracts from our rights to quiet enjoyment. In the past three years Clive Avenue has been a building site for the many new builds and extensions. We have seen instances of the road (a cul de sac) being blocked, up to 20 plus contractors vehicles parked without thought on the roadside, work (including power tools) starting from before 7 a.m. - including Bank Holidays, waste material burnt on site etc. This is a residential street and residents interests need protecting both during and after the development. The first part of this can be painlessly achieved by the Council applying a set of reasonable conditions before any work is commenced, so that both residents and developer know what is and is not acceptable. I would therefore request that the following conditions be applied.

- No works to be undertaken outside the hours of 8.00 and 17.00 Monday to Saturday, nor on any Sunday or Bank Holiday.
- All waste materials to be removed from site and not to be burned on site.
- A scheme for parking of contractors vehicles to be approved prior to the commencement of work, preferably utilising the application site.
- The developer to ensure that Residents access and egress along Clive Avenue to be available at all times and uninterrupted. It will be too late to suggest the Council should have made this requirement when medical or other emergency services cannot gain access. That is the more extreme possible outcome of not attending to this issue, but missing trains, appointments etc. is the more commonplace outcome.

As mentioned earlier I accept that the development will impact on residents' right to quiet enjoyment, but look to the Council/Planners to ensure that impact is minimised by a few reasonable conditions.

1 Support: As a neighbour and resident of Clive Avenue for 7 years I have noticed a significant change to our outlook, which has altered the general appearance of an historic area of Church Stretton forever (this is done and we must look forward positively). Whilst I would not have personally wished for Clive Avenue to be developed in such a fashion we cannot turn back time. If the Hill Cottage site is developed as proposed, it in my view would be far more sympathetic to the area than other developments that have been 'recently approved' in terms of density etc. provided the homes constructed are of comparable type and size to those adjacent. This would obviously need attention at detailed approval. The designation of a conservation area should in my view not be a factor in consideration of approval as this is surely an attempt to 'lock the door after the horse has bolted' given that many trees have been felled, gardens destroyed and properties constructed by many residents over many years. In short if the development is detailed in such a way that the properties are of a similar type and size to those constructed over the last couple of years with the added benefit of the low density as proposed they are sure

to attract more families to the area who can in turn support the local schools and economy. All I would ask for are restrictions on carriageway parking and working hours during and after construction and the protection of the verge and hedge to the road to provide screening and preserve history.

## **5.0 THE MAIN ISSUES**

Policy Context and Principle of development  
Siting, scale and design of structures  
Environmental Considerations

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy Context and Principle of development**

6.1.1 Church Stretton is identified as a Market town and Key Centre in the adopted Core Strategy. Policy CS3 – “Market Towns and Other Key Centres” requires market towns such as Church Stretton to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town’s distinctive character and must be supported by improvements in infrastructure. The Policy indicates that “Church Stretton will have development that balances environmental constraints with meeting local needs”. Policy CS3 states that the indicative scale of housing development in Church Stretton over the period 2006 – 2026 will be less than 500 dwellings.

6.1.2 Policy S5.1 of the Pre-Submission Draft (Final Plan) SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town’s development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13 relating to the historic and natural environment respectively. Particular care should be taken with the design and layout of development in accordance with Policy MD2 relating to sustainable design.

6.1.3 Housing land supply in Shropshire had fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council’s position is that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. In the calculation of the 5 years’ supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any



adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications. Some additional weight can therefore be afforded to the SAMDev Final Plan as an indicator of future sustainable housing locations. The current site is falls within the existing limits of Church Stretton and as such is capable of being regarded as 'windfall infill development'. It can therefore be regarded as a potentially sustainable housing location if there is compliance with other relevant planning policies.

6.1.4 The site is located in a recently extended part of the Church Stretton Conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any development within such areas should give "special the consideration ... to the desirability of preserving or enhancing the character or appearance of area"

6.1.5 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, the environment, infrastructure, economy and local community relative to the existing situation. This includes potential effects on the Conservation Area and the AONB. If so, then are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS6 and CS17.

## **6.2 Siting, scale and design of structures**

6.2.1 The application is in outline, with all matters of detail reserved for subsequent approval, except access which would be via the existing junction with the public highway. Notwithstanding this, the applicant has provided indicative layout plans which show three larger detached properties to the south of the existing property. All would have good sized rear gardens and sufficient parking within the curtilage. The new dwellings would be intended for 'open market' sale and occupation. Foul drainage would go to the existing mains sewer in the road. The size of the plot is considered sufficient to accommodate properties of the size shown on the indicative layout plan.

6.2.2 The applicant has provided an amended layout plan which shows a more optimal distribution of properties within the plot. However, it is considered that the shape of the house types shown (inverted v) is not optimal for the plot and the edges of the v protrude too close towards sensitive site boundaries and associated retained vegetation. The agent has been advised that in the event of permission a different footprint should be pursued for the properties, which is more rectilinear with an alignment which parallels the site boundaries. The detailed shape and alignment of the properties would be determined at the reserved matters stage. However, it is considered appropriate for an advisory note on building footprint and alignment to

be placed on any outline decision and this has been included in Appendix 1.

### **6.3 Environmental Considerations**

- 6.3.1 Traffic: Highway officers have not objected to the proposals. The existing access is considered acceptable for the limited amount of traffic likely to be generated.
- 6.3.2 Drainage / flooding / sewerage: Church Stretton Town Council has raised concerns about drainage as one of its reasons for objection. Concern is expressed that water roll-off from the additional driveways, hard standing and roofs would compound the difficulty of the culverts further down the hillside to cope with any additional water volume. The drain gratings in the un-adopted Clive Avenue have difficulty coping at present. Whilst these concerns are noted drainage officers have not objected subject to the imposition of a suitable condition which has been included in Appendix 1 and this matter is capable of being progressed at the reserved matters stage. There is sufficient space within the site to accommodate a sustainable drainage system which attenuates drainage to green field rates. A lip can be provided on the driveway to retain water within the site and permeable surfaces and water balancing can be employed. At this stage there is no reason to suspect that an acceptable sustainable drainage solution would not be capable of being implemented in principle.
- 6.3.3 It is proposed that a connection would be made to the mains sewer. There is no reason to suspect that this would not be achievable. Officers are not aware of any capacity issues affecting Clive Avenue. (Core Strategy Policy CS18)
- 6.3.4 Visual amenity: The site is located within a recently extended part of the Church Stretton Conservation Area, itself falling within the AONB. Any development schemes must have regard to the need to protect the setting and character of the Conservation Area. The main views towards the current site would be experienced externally from Clive Avenue. Whilst there has been some recent removal of vegetation within the site a robust screen of mature trees has been retained fronting Clive Avenue. It is essential for this to be protected and conserved in order to protect the appearance of the Conservation Area and appropriate arboricultural and landscaping conditions have been recommended in Appendix 1. The Council's trees officer has not objected subject to these conditions.
- 6.3.5 The Church Stretton Conservation Area is now the second largest in urban extent in Shropshire after Shrewsbury, covering two thirds of the town. The need to protect the extended Conservation Area designation is recognised. However, it is not considered that a well-designed scheme which maintains the site margin planting would undermine the character of the Conservation Area. There have been many equivalent developments within similar settings in Church Stretton in recent years. If the SAMDev objective of delivering windfall housing development in Church Stretton is to be realised then locations such as this where there is a large, well contained plot within the core settlement boundaries, will need to come forward. This will reduce the pressure to release additional greenfield plots on the edges of the town.

- 6.3.6 The Shropshire Way descends Ragleth Hill passing 60m to the east at its nearest. Some localised views towards the site may be available from the top of the hill. However, the site would be seen within the context of existing urban development with a backdrop of mature trees. There are no views from the east due to the presence of woodland. Hence, it is not considered that there would be any material impact on the AONB or the Conservation Area. (Core Strategy Policy CS17)
- 6.3.7 Construction: One local resident has requested that controls are imposed to protect the amenities of the nearest residents during the construction phase if permission is granted. The property to the immediate south, Brock Cottage, is in relative proximity to the southernmost plot and it is considered that a construction management plan condition would be appropriate if permission is granted, particularly whilst the nearest property is being constructed.
- 6.3.8 Alignment: The applicant has submitted an indicative layout plan showing the potential alignment within the plot. This confirms that the plot is large enough to accommodate properties of the footprint proposed. However, there are some anomalies with regard to detailed alignment and spacing which would need to be addressed at the reserved matters stage. This is in order to allow peripheral vegetation to be maintained, to reduce shading issues and to allow an acceptable relationship with the nearest property.
- 6.3.9 The nearest property, Brook Cottage, is located on elevated land within 12-18m at its closest to the southernmost property as shown on the indicative layout plan. Most of the principal windows face east or west. This property has recently been extended 2.7m closer to the northern boundary which is formed by mature vegetation. This would normally be considered an acceptable minimum stand-off distance given the relationships between the properties. The indicative design of the proposed south elevations also shows a single storey arrangement with a simple roof pitch and no dormers / roof lights. This would normally be an acceptable arrangement to preserve privacy. However, it is considered that a greater stand-off should apply in this case given the importance of maintaining a robust vegetation screen surrounding the site. This could be achieved in principle by rotating the roadside properties by 45degrees clockwise, so additional space is created along the southern and roadside boundaries.
- 6.3.10 The applicant has been advised that the layouts shown on the indicative plans are not satisfactory and an advisory note referring to this has been included in Appendix 1. However, it is considered that there is sufficient space available in principle to maintain acceptable spatial and design relationships at the reserved matters stage. (Core Strategy Policy CS6, CS17)
- 6.3.11 Ecology: The Council's ecologist has not objected to the proposals. A landscaping scheme is being recommended and would provide for reinstatement of biodiversity within the site. (Core Strategy Policy CS17)
- 6.3.12 Some existing trees and shrubs within the centre of the site were felled prior to the submission of the application. Mature vegetation around the site boundaries has however been retained. The Council's arboricultural section has not objected

subject to tree protection and landscaping conditions which have been included in Appendix 1.

- 6.3.13 AONB: The proposals are located within the Shropshire Hills AONB which has a 'washover' designation affecting the whole town of Church Stretton. Section 115 of the NPPF advises that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. However, the application is not for 'major development'. Hence the exceptional circumstance tests defined by Section 116 of the NPPF do not apply. The proposals instead represent infill development within an existing residential area of Church Stretton which is well screened by mature vegetation. The indicative plans indicate that the development would be of an appropriate density and the design quality would respect the local environment. In view of this and given the recognised need for local housing provision and the associated social benefits it is considered that there would be no conflict with AONB policy as set out in the NPPF and the AONB Management Plan.
- 6.3.14 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 some additional pressure on the public highway and local services. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. This includes any effects on the Conservation Area, AONB or mature trees within the site.
- 6.3.15 Economic sustainability: All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. No public footpaths would be affected. A sensitive design and landscaping would be sought 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)
- 6.3.16 Social sustainability: It is considered that the proposals would qualify as 'windfall housing' for Church Stretton as specified in the emerging SAMDev, without giving rise to any unacceptably adverse impacts on the environment and amenities of the area. They would provide additional flexibility within the housing mix of Church Stretton and would contribute in turn to the social vitality of the community. The proposed site is located close to key community facilities and would be linked to

them by a pedestrian footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space. There would also be acceptable levels of natural light. It is considered that these factors increase the overall level of social sustainability of the proposals. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

## 7.0 CONCLUSION

7.1 The proposal as currently specified would involve the development of 3 dwellings for open-market occupation within an existing residential area and immediately adjacent to an existing residential property at Hill Cottage, Clive Avenue, Church Stretton. The Pre-Submission Draft (Final Plan) SAMDev expects that there will be a contribution from windfall development within Church Stretton, a town where 2/3 of the urban area has been designated as a Conservation Area.

7.2 It is considered that the proposals would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan, subject to the variations in alignment discussed above. Nor is it considered that there would be any unacceptably adverse impacts on the character of the the Conservation Area, the AONB, highways, ecology or other relevant environmental / amenity interests provided appropriate design measures are adhered to at the reserved matters stage.

7.3 It is considered that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6 and CS17. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver an affordable housing contribution and to confirm management provisions for the proposed private access road.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, 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:  
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

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SS/1/8513/P/ Erection of a detached double garage. PERCON 12th February 1998

**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  
Accompanying plans

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member(s)**

Cllr. Lee Chapman  
Cllr David Evans

**Appendices**

APPENDIX 1 - Conditions

## APPENDIX 1

### 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 under the provisions of Article 4 of the Town and Country Planning Development Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved by this permission.

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.

4. A scheme detailing measures for surface water drainage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date.

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

5. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the Local Planning Authority to safeguard trees to be retained on / adjacent to the site as part of the development this to include the mature protected oak tree on Clive Avenue just north of the site entrance. The submitted scheme shall include the provision of a tree protection plan based on an arboricultural implications assessment as recommended in BS5837:2012. The integrity of the approved tree protection measures / scheme shall be maintained 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.

6. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority Tree Officer. 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 Root Protection Area 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.

7.
  - a. A total of 3 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.
  - b. A total of 3 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species and to ensure the provision of nesting opportunities for wild birds

8. 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

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:
  - 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.

10. 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.

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 a 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. The submitted scheme shall include:
- i. Planting plans, including wildlife habitat and features (e.g. bird & bat boxes).
  - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).

- 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 (10b).

13. 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.

### **Informatives**

1. The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.
- 2.i *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. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.*
- ii. *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.*
- iii. *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*
- iv. *Consent is required from the service provider to connect into the foul main sewer.*
3. 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). Two trees on the site have potential for roosting bats to be present. If removal of these two trees, or tree surgery works, becomes necessary then it must be undertaken following the advice of an experienced, licensed bat ecologist and following a suite of bat emergence surveys. If a bat should be discovered on the site at any point during the development then work must halt and Natural England should be contacted for advice.*
- 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 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 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.*

-



Committee and date

South Planning Committee

19 August 2014

## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 13/04956/FUL	<b>Parish:</b>	Bridgnorth Town Council
<b>Proposal:</b> Erection of one dwelling and formation of access		
<b>Site Address:</b> The Habit 30 East Castle Street Bridgnorth Shropshire WV16 4AN		
<b>Applicant:</b> G C Rickards (Investments) Ltd		
<b>Case Officer:</b> Thomas Cannaby	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 371681 - 293029



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application was placed on the committee agenda for the 24<sup>th</sup> June 2014 meeting. The Committee deferred decision on the application to request that the applicant supply a daylight analysis study to provide additional information to assess the impact of the development on the nearby residential properties in terms of loss of light. This information has now been provided and the report amended as appropriate (see 6.3.6 – 6.3.9 below).
- 1.2 The proposal is for the erection of a single dwelling on a plot of land to the rear of the former Habit public house in East Castle Street. A previous application (13/03529/FUL) was submitted for 3 dwellings on this site, but this was withdrawn following the consultation period and before any decision was made on the application.
- 1.3 The proposed dwelling would have an L-shaped footprint, with the longer elevations set parallel to the side elevation of 5 Bank Street and also across the rear of the property which would run in line with the rear of 5 Bank Street. The property would be a three storey dwelling to the front, and a two storey dwelling to the rear due the property being set into the ground and the change in ground levels between Bank Street and the internal ground levels of the site. The upper floor of the property would be located partially in the roof space, and would be lit by eaves level dormer windows.
- 1.4 In terms of scale the property would have an eaves level slightly below that of No.5 Bank Street, approximately in line with the eaves level of the dwelling opposite on Castle Terrace, and with a ridge height comparative to No. 5 Bank Street. The width of the dwelling would be approximately the same as the width of the two storey block of 5 Bank Street, with the property set back from the front elevation of No.5 and with the L-shaped footprint creating a staggered frontage that steps back the front elevation as it approaches the junction with Castle Terrace.
- 1.5 The site is bordered by a tall brick wall, with runs from the gateway leading to the Habit off Castle Terrace, around the site boundary to adjacent to No.5 Bank Street. The application would remove a more recent section of this wall to enable a frontage onto Bank Street to be created, but would retain the wall along Castle Terrace and partially along Bank Street.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a plot of land located to the rear of the former Habit public house which has been granted consent to be converted into dwellings. The land is a car park/yard area, bordered by a tall brick built wall forming the boundary with Castle Terrace and Bank Street.

2.2 The site is at an elevated position in comparison to Bank Street, with the land inside the boundary wall being approximately 2m higher than the level of Bank Street.

2.3 The site is located within the development boundary of the town (as set out in the Bridgnorth District Local Plan saved policy S1), and also within the Conservation area.

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

3.1 The application is referred to committee for determination as the Town Council has expressed a view contrary to the Officer recommendation.

### **4.0 Community Representations**

4.1 - Consultee Comments

4.1.1 Bridgnorth Town Council – Objects

Updated comments:

Members of Bridgnorth Town Council's Planning Committee re-examined this application in the light of additional information which had become available and RESOLVED: that Members submit a revised recommendation of refusal having taken into account new information received regarding the window in the side of 5 Bank Street, which was not shown on the plans submitted; the loss of right to ancient lights on the existing properties both on Castle Terrace and opposite the proposed development in Bank Street, which was now apparent from information not originally available to Members by way of correspondence and photographs; and that as a result it was felt that the aforementioned had a detrimental effect which would not enhance this Conservation Area and would therefore result in an over development.

Original comments: (Comments withdrawn).  
Recommend approval

4.1.2 Shropshire Council Conservation Officer – Recommend approval subject to conditions

The Proposals would enhance and reveal the significance of the Conservation Area. As such it accords with policy 137 of the NPPF and Policy CS6 of the Shropshire Core Strategy.

4.1.3 Shropshire Council Archaeologist – no objection subject to conditions

Latest response following submission of archaeological investigation of site as detailed in archaeology section below.

4.1.4 Shropshire Council Ecologist – No comments on application

4.1.5 Shropshire Council Land Drainage – no objection, drainage details can be conditioned.

4.1.6 Shropshire Council Highways – No objections.  
Comments on previous application (13/03529/FUL)

4.2 - Public Comments [summary of issues]:

4.2.1 9 Objection comments:

- Loss of light to nearby properties due to height and proximity of new building. Would impact properties on Castle Terrace and Bank Street.
- Building would be overly dominant towards neighbouring dwellings.
- Change in atmosphere and character of Castle Terrace.
- Lack of Parking (1 space)
- Concerns over highway safety at entrance onto Bank Street.
- Disruption caused by builders traffic and materials
- One new house would make little impact on housing stock in the area, however it would have a large impact on neighbouring properties.
- Building out of place in conservation area.
- Additional impact on overloaded drainage system, and impact of surface water run off seeping into the winding room of the funicular railway being exacerbated.
- May create precedent for more dwellings on rear gardens around the Castle Walk.

Following the report being placed on the June agenda, 2 additional representations in objection to the application were received:

- Strong objection to severe loss of entitlement to light/daylight to properties on Castle Terrace.
- Report does not adequately deal with issue of impact on overshadowing of neighbouring properties.
- A right to light has been established by occupation of the neighbouring properties.
- Application should be deferred and a light/daylight impact assessment should be requested before a decision is taken
- Principal and specific objection is that the building will deprive main bedroom of most vital light by blocking the only window to the bedroom.
- The plans show that the wall of the house will be directly in front of the window albeit with a few feet between the 2.
- If you could look at the plans and the east elevation you will see my property at the back of the drawing, there are 3 gable ends and mine is the final one. The dormer window of the proposed property completely blocks my window.
- The sun shines from the back of my property and never from the front. The proposed building would prevent any light coming from the back and the only possible light would come from the front, which in turn would now be significantly darkened by the proposed property. The position of the sun needs by law to be taken into consideration.
- The law, as I have been advised, states that I am entitled to ancient rights of light providing it has existed for more than 20 years.
- Building infringes on 45degree rule for development in front of windows.
- Issues is loss of light, not loss of view.
- The right to light is important and it is not only myself who will be affected. The properties immediately in front of me in Bank Street will lose huge



amounts of light, as will those on Castle Terrace.

- there are the other objection of a practical nature, which the residents have raised; parking, drainage, overdevelopment etc., making the application extremely contentious.

#### 4.2.2 Comments in Support:

- Supports 1 residential unit
- Application has addressed many of the issues raised in objection to the previous scheme for 3 dwellings which was withdrawn, in particular there would no longer be a development fronting Castle Terrace, and causing access issues.
- No objection subject to:
  - o Prohibition of vehicular access from Castle Terrace
  - o Measures put in place to ensure continual access to Cliff Railway station during construction
  - o Measures taken to address surface water run off from site.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Impact on neighbour amenity  
Highway safety and parking provision  
Drainage  
Archaeology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Bridgnorth is a market town under Core Strategy policy CS3 as a focus for development and Local Plan policy H3 identifies Bridgnorth as a settlement where general market housing may be permitted on appropriate sites and where it would reuse currently vacant land within the town development boundary. If permitted the proposed development would be subject to a contribution towards affordable housing, to be secured by a S.106 legal agreement, and a payment under the Community Infrastructure Levy as set out in policies CS9 and CS11 of the Core Strategy.

6.1.2 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is the obligation to have special regard to the desirability of preserving the character or appearance of Conservation Areas in carrying out statutory functions. Core Strategy policies CS6 and CS17 are consistent with this guidance, with CS6 requiring development to protect, restore and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. CS17 states that development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

**6.2 Siting, scale and design of structure**

- 6.2.1 A number of third party comments have raise questions on whether or not the design of the proposed dwelling is appropriate for the site in the conservation area. The Council's Conservation officer has been consulted on this proposal and has commented that the design would not have an adverse impact on the character or importance of the conservation area.
- 6.2.2 The building has a similar height and massing as that of the adjacent property No.5 Bank Street, and would be set back from the front elevation of Bank Street, with a staggered front elevation which would respond to the corner of the junction with Castle Terrace. Whilst the property would be a tall building, and create a somewhat enclosed street in this location, this would not be out of place with the townscape in the area which is characterised by narrow streets along both Bank Street and Castle Terrace.
- 6.2.3 When viewed from the vantage along Castle Walk, the site is largely screened from view until a viewer is close to the site, passing the Cliff Railway Station building, at which point the view of the site is largely taken up by the tall boundary wall which would be retained, with the new dwelling visible about this and presenting a gable end to the side. Views from further along the Castle Walk are restricted by a change in ground levels, the boundary walls that border the Castle Walk and also the presence of a modern styles outbuilding in one of the rear gardens.
- 6.2.4 It is considered that the proposed dwelling would reflect the character and setting of the conservation area through the design and style of the proposed dwelling, and the position of the property in the street scene which would reflect the narrow street patterns in the area whilst the staggered frontage would respond to the corner junction between Castle Terrace and Bank Street. The split level property with a frontage along Bank Street would relate well to existing development patterns in the area, and allow retention of the older sections of the distinctive boundary wall along the Castle Terrace boundary.

**6.3 Impact on neighbour amenity**

- 6.3.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. A number of comments have been received which raise the issue of the impact of the development on the amenities of nearby dwellings, in particular the impact on the properties on Bank Street and Castle Terrace. This is also an issue which the Town Council has raised, and appears to have been key in their reconsideration of the application and determination to alter their original recommendation from approval to objection.
- 6.3.2 The provision of a building on this site would inevitably have an impact on the amenities of surrounding properties, due to the proximity of the site to nearby dwellings. The question for the committee is whether this impact is unduly detrimental to the amenities of surrounding properties. The impact would consist of 3 main issues, the impact on the neighbouring property at No.5 Bank Street, the impact on the properties opposite the site on Bank Street, and the impact on the properties along Castle Terrace.

- 6.3.3 In terms of the neighbouring property, No.5 Bank Street, the impact on the general amenity of the dwelling would be limited as the proposed building would be set in line with the rear elevation of No.5 and with overlooking of the rear garden area no more than is typical between two adjacent dwellings. However, No.5 does have a side window set high up in the gable end facing the application site which apparently serves a bedroom at this property. The proposed dwelling would have a gap between the side elevation and No.5 but would be located in proximity to this window. The impact is somewhat mitigated by the setback of the proposed dwelling in relation to No.5 as this would take the highest point of the gable end back behind this window, however there would be an impact in loss of light to this window. Comments have also been made regarding loss of views across Low Town, however loss of a view is not a material planning consideration.
- 6.3.4 The properties on the opposite side of Bank Street are likely to be affected by the proposed development the most in terms of loss of amenity due to their position to the north of the development site and so have the most potential to have the proposed dwelling overshadow them. The impact would be less than the properties further along Bank Street already experience due to the existing properties, as the proposed dwelling would be set back from the existing building line, and have a staggered L-Shaped footprint creating a staggered ridgeline. Whilst the impact on the ground floor windows would be relatively less as the existing boundary wall already has an impact on these windows, the upper floor south facing windows of these properties would experience a notable overshadowing impact as a result of the proposed development, mainly in the mornings, as the afternoon and evening sunlight is already restricted by the position of No.5.
- 6.3.5 The properties along Castle Terrace would experience some loss of light in the afternoon, as their front elevations face out to the west, however the impact of this is less than that of the properties along Bank Street due to the relative position of the dwelling being offset to the west, and not directly to the south. These properties are also mainly dual facing, with aspects out to the east with views across the valley and Low Town, and so the impact of a loss of a degree of afternoon light to these dwellings would be comparatively less than that of the properties on Bank Street whose main windows face the application site.
- 6.3.6 Following the committee's request for additional information relating to the impact on the surrounding residential properties in terms of light levels, the applicant has submitted a report which set out the impact of the development. This information plots the path of the sun across the sky during the day, and also the variation in height above the horizon due to seasonal variation throughout the year, and provides data in a bar chart showing the hours of daylight reaching a given window both currently and should the development go ahead.
- 6.3.7 In addition to the bar chart daylight hours data, the report also sets out when in the day and at what times of year the proposed development would have an impact on light levels reaching a window by displaying shadow mask diagram. This shadow mask is a representation of what can be seen from the window viewed towards the sky through a fisheye lens. White areas correspond to the sky which is visible from the window, the grey areas indicate portions of the sky that are currently obstructed

by buildings, and the orange indicates areas the proposed building would block. The large grey semi-circle is light blocked by the room that the window lies in. The blue lines indicate the movement of the sun over the course of the year, e.g. to find the sun's location at 7 AM on April 1st, find the intersection between the '1st Apr' arc and the '7' loop to find its position in the sky (100° from North, at 10° high).

6.3.8 The table below sets out a summary of the reports findings into the impact of the proposed development on the nearby residential properties:

Property	Hours of sunlight (annual)		Notes
	Current	Proposed	
5 Bank Street	1401	976	Gable end side window. Light loss mainly before 8am from September to May.
6 Bank Street	2560	1890	Upper floor windows. Light loss mainly between 7-11am from October to April.
7 Bank Street	1607	1422	Ground floor window. Light loss mainly between 7-11am from October to April.
Beaumaris (G floor)	1561	1364	Light loss mainly around midday during winter.
Beaumaris (1 <sup>st</sup> floor)	2128	1929	
5 Castle Terrace (G floor)	1773	1635	Light loss mainly during winter afternoons.
5 Castle Terrace (1 <sup>st</sup> floor)	2363	2039	
7 Castle Terrace (G floor)	1697	1445	Light loss mainly at midday during spring and autumn.
7 Castle Terrace (1 <sup>st</sup> floor)	2664	2220	

6.3.9 The above table shows that the impact on the properties on Bank Street would be mainly in the mornings, whilst the impact on Castle Terrace would be later in the day from midday through to afternoon, due to the relative positions of the properties to the application site. The impact on ground floor windows is less, due to the existing boundary wall on site already restricting light levels to these windows, with first floor windows having a relatively greater reduction in light levels due to the development.

6.3.10 The impact of the proposed property on surrounding dwellings is a significant consideration for the committee in the determination of this application. The impact on the properties on the north side of Bank Street would be the most significant, with the impacts on the neighbouring dwelling and the properties along Castle Terrace being notable but of a lesser magnitude. It has been suggested a single storey dwelling may be more appropriate on this site, however this would not relate as well to the street scene or townscape as the current proposal.

#### 6.4 Highway safety and parking provision

6.4.1 The only vehicular access to the proposed dwelling would be through the narrow masonry archway adjacent to The Habit. This access would provide 1 car parking space in addition to allowing access for servicing the property. Although the Council's Highways Officer has advised that intensified vehicle movements through this archway are not desirable, the anticipated low number of movements and

the restrictions on vehicle flows in this location are not likely to result in detrimental highway conditions.

- 6.4.2 The scheme provides 1 off-street parking space for the dwelling and due to the town centre location of the site, it may be considered as a sustainable location with nearby shops and transport links. There is some on-street parking in East Castle Street, beyond the archway access and this is time limited for non-residents and controlled by permit for residents. The Council's Highways Officers have advised that it is unlikely that the occupants of the proposed dwelling would qualify for a residents parking permit as they would not front onto East Castle Street.
- 6.4.3 This site is close to the Town Centre where there is access to public transport and public car parks. Government Guidance, previously set out in PPG13, stated that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.
- 6.4.4 Given this guidance and the location of the dwelling near to the town centre, the provision of 1 off street car parking space to serve the dwelling is considered to be an adequate provision of parking for the proposed development.
- 6.4.5 A number of comments received on the application raise the issue of how the construction of the building, if permitted, along with construction traffic and storage of materials would impact on the amenities of the nearby properties, and also on the access to the nearby Cliff Railway Station on Castle Terrace. If the application were to be permitted, conditions to control the hours of work, along with a traffic management plan to control the types and times of construction traffic to and from the site could be attached to any decision notice issued in order to mitigate these impacts. As such impacts would be temporary and cease at the end of the construction period, this is not an issue which would warrant refusal of an application if the committee consider the proposal otherwise acceptable.

## **6.6 Drainage**

- 6.6.1 Some concerns have been raised with regards to how surface water run off from the site would be dealt with and how this would impact nearby dwellings, in particularly the Cliff Railway station to the east. The site is already surfaced and the proposed dwelling would not increase the overall run off of the site and has potential to reduce run off. The Council's land drainage section have commented that the site can be adequately drained but that details of the specifics of this could be controlled by condition. Due to the archaeology concerns on the site, detailed below, it is difficult to finalise a drainage plan at this stage as any discoveries resulting from archaeological works may have implications on the drainage scheme proposed. As such it is considered appropriate it condition all drainage of the site for later approval if the committee determine to grant approval.

## **6.7 Archaeology**

- 6.7.1 The proposed development site lies within the historic medieval core of the town of Bridgnorth (PRN 06044) as defined by the Central Marches Historic Towns Survey, within the extent of the outer bailey of Bridgnorth Castle (HER PRN 00371 Scheduled in part) and tenement plots within outer bailey of Bridgnorth Castle, (HER PRN 05630). It also occupies a group of tenement plots to east of East Castle Street (HER PRN 06032), lies adjacent to parts of the medieval street system (HER PRN 05647) and a short distance from the presumed line of the town defences (HER PRN 00374) and the site of the North Gate and Barbican of Bridgnorth Castle (HER PRN 00422).
- 6.7.2 Previous archaeological work this area has revealed remains thought to relate to the development of the castle or the earlier settlement. The site has marked differences in level in relation to the surrounding streets thus increasing its potential for buried archaeology and is bounded on its eastern extent by a red brick wall with crude stone courses at its lower levels which may relate to earlier settlement, and a section of which is to be cut through as part of the development.
- 6.7.3 An archaeological evaluation of the site has now been completed and a report submitted in support of this application (SLR Ref: 406.04694.00001). A single L shaped trench was excavated to an initial total length of 7m (north-south) and 6m (east-west) with a 1m extension to the west.
- 6.7.4 The report concludes that, despite the trial trenching being only a keyhole glimpse into the archaeological potential, the impact of the development is unlikely to impact on significant archaeology. As the evaluation does represent only a keyhole look at the potential archaeology and part of the analysis was based on hand-augered core samples that potential and significance though reduced, does remain.
- 6.7.5 In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, the Council's Archaeologist recommends that a programme of archaeological work be made a condition of any planning permission for the proposed development.

## **7.0 CONCLUSION**

- 7.1 Bridgnorth is a settlement where general market housing may be permitted on appropriate sites. The proposed dwellings and associated works would not detract from the character or appearance of the conservation area, and the design is considered to reflect the character and form of the townscape in this location. The development would have an impact on the amenities of nearby dwellings, which in the case of the properties along the north side of Bank Street in particular would be significant, although comparable to the situation of properties further along Bank Street. Given the location of the site in the conservation area, and in a section of town where the urban form is close knit and defined by narrow streets and close facing properties, it is considered that, on balance, the merits of the proposal in terms of reflecting the design of nearby properties and the urban form of the area outweighs the harm caused as a result of the development on nearby dwellings. It is therefore recommended the Committee approve this application.

7.2 In considering this proposal the committee should seek to weigh up the relative merits of the proposal in terms of its design and form, against the negative impacts on nearby properties and determine if the Committee agrees with the above recommendation.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

#### National Planning Policies:

National Planning Policy Framework  
National Planning Practice Guidance

#### Shropshire Core Strategy:

CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

#### Saved Local Plan Policies:

Bridgnorth District Local Plan  
S1 Development boundaries  
H3 Settlements appropriate for new house building  
D6 Access and parking

#### Supplementary Planning Guidance:

Type and affordability of housing.

### RELEVANT PLANNING HISTORY:

13/03530/FUL Conversion of former public house to 2 no. dwellings GRANT 31st October 2013

13/04314/LBC Conversion of former public house to 2 dwellings GRANT 4th December 2013

BR/APP/LBC/00/0427 Retention of four floodlights on the front elevation REFUSE 27th July 2000



BR/APP/FUL/00/0071 Construction of new access gates and new railings to replace existing wall to ramped access, reduction in height of store walls, installation of new door to replace existing window and two replacement windows GRANT 10th March 2000  
 BR/APP/LBC/00/0067 Display of one wall mounted externally illuminated sign on the front elevation, one wall mounted externally illuminated sign and internally illuminated menu box on the rear entrance arch, and repainting of exterior of building GRANT 14th March 2000  
 BR/APP/LBC/00/0062 Erection of two new gates, reduction in height of store walls and new railings to ramped access GRANT 10th March 2000  
 BR/APP/ADV/00/0061 Display of one wall mounted externally illuminated sign on the front elevation, one wall mounted externally illuminated sign and internally illuminated menu box on the rear entrance arch GRANT 14th March 2000  
 BR/APP/LBC/00/0060 Installation of two new windows and a new door GRANT 10th March 2000  
 BR/87/0971 Erection of illuminated lantern sign GRANT 5th January 1988  
 BR/87/0970 Erection of illuminated lantern sign GRANT 5th January 1988  
 BR/87/0627 Display of illuminated signs GRANT 18th December 1987  
 BR/94/0723 ERECTION OF DORMER WINDOWS GRANT 23rd December 1994  
 BR/94/0713 RECONSTRUCTION OF DORMER WINDOWS GRANT 23rd December 1994  
 BR/99/0313 INTERNAL AND EXTERNAL ALTERATIONS GRANT 10th June 1999  
 BR/99/0312 INSTALLATION OF REPLACEMENT WINDOWS TO LOUNGE GRANT 10th June 1999

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

Design and Access Statement  
 Archaeological Report  
 Solar Analysis

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member(s)**

Cllr John Hurst-Knight  
 Cllr Les Winwood

**Appendices**

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

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

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

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the conservation area..

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

Reason: To safeguard the architectural and historic interest and character of the conservation area.

5. Prior to the occupation of any buildings on site details, including the extent of any demolition, of all walls and other boundary treatments shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

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

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

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

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

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

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. Number and type and visit time of vehicles to visit the site per day in connection with the construction works
  - ii. the parking of vehicles of site operatives and visitors
  - iii. loading and unloading of plant and materials
  - iv. storage of plant and materials used in constructing the development

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

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

9. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

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

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

10. Demolition or construction works shall not take place outside of the following times:
  - Monday to Friday 07:30hrs to 18:00hrs
  - Saturday 08:00hrs to 13:00hrs
  - Not at any time on Sundays, Bank or Public Holidays.

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

**Informatives**

1. Policies material to the determination of this application:  
National Planning Policies:  
NPPF  
Shropshire Core Strategy:  
CS3, CS6, CS17, CS18  
Saved Local Plan Policies:  
Bridgnorth District Local Plan - S1, H3, D6  
Supplementary Planning Guidance:  
Type and affordability of housing.
2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
3. The applicant should consider employing measures such as the following:  
Water Butts  
Rainwater harvesting system  
Permeable surfacing on any new driveway, parking area/ paved area  
Greywater recycling system
4. Informative Consent is required from the service provider to connect into the foul main sewer.
5. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

6. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
7. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
8. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two

suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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Committee and date  
 South Planning Committee  
 19 August 2014

### Development Management Report

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

### Summary of Application

<b>Application Number:</b> 13/05136/OUT	<b>Parish:</b>	Shifnal
<b>Proposal:</b> Outline application (vehicular access for approval) for mixed residential development and care home (Use Class C2); public open space, landscaping, car parking, and all other ancillary and enabling works		
<b>Site Address:</b> Land Between Lawton Road And Stanton Road Shifnal Shropshire		
<b>Applicant:</b>		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375504 - 307717

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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 Stanton Road; and maintenance of open space by an appropriate body and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This proposal relates to some 4.98 hectares of arable land located on the eastern edge of Shifnal. It is an outline application for residential development of up to 100 dwellings, a 60 bed extra care facility with public open space, associated earthworks, balancing pond, car parking and other ancillary works. All matters are reserved for later approval, with the exception of the proposed vehicular access from Stanton Road. This access would take the form of a 4 -arm roundabout, which would replace the current 'T' junction where the access road to Lamledge Lane industrial estate joins Stanton Road. There would be paths around the edge of the roundabout to accommodate cyclists and a footpath would be provided heading west from the roundabout, and to the rear of the road side hedge. This footpath would link onto the footpaths provided on Aston Road at the roundabout junction into the Redrow housing development (ref 13/03055/FUL) which is currently being built. The construction of the roundabout would be accompanied by the extension of the 30mph zone/gateway feature to the east of it, with a contribution provided through a Section 106 Agreement to the Traffic Regulation Order that would be required.
- 1.2 An indicative master plan has been submitted, showing how the site could be developed. This shows that the proposed roundabout would be positioned approximately central to the north eastern road frontage, with the main internal road alignment having an inverted 'T' shape form. The internal road would be in a central position in the site and be parallel to the south western site boundary formed by the Lawton Road public footpath. There would be residential development on both sides of the access road into the site and around the bulk of the eastern spur to this road. The western spur would also serve residential development, together with the extra care facility which is shown positioned in the north western corner of the site on an area of some 0.52 ha (1.5 acres) . An area of informal open space, incorporating a surface water attenuation pond is shown approximately central to the site and abutting the south western site boundary at the lowest part of the site. At the south eastern end of the site there would be a further area of open space which would function as a drainage and ecological habitat area. There is a landscaped buffer shown between this area and the proposed housing. A landscaped buffer, including retained trees and hedgerows, is also shown along the north eastern, north western and south western site boundaries. Two pedestrian access links direct onto the Lawton Road public footpath are shown.



- 1.3 The proposed surface water drainage strategy would include infiltration drainage, where tests have shown this to be suitable for parts of the site. It has been identified that additional control would be required and consequently the surface water flows from the site would be via a detention basin located to the south of the development area. Attenuation within the site would store flows up to the 1 in 100 year (+ 30% climate change allowance) return period event and limit outflows to greenfield run off rates and would achieve a betterment over existing site conditions. Foul sewage would be disposed of to the existing sewer in Stanton Road via a pumping station and rising main.
- 1.4 The indicative mix of houses for the site set out in the Design and Access Statement comprise of 22% one and two bed; 42% three bed; 35% four bed and 1% five bed. With regard to scale, and in particular building heights, the Statement comments that there is a need to maintain a transition between the rural character to the east and the entrance into the town along Stanton Road. Consequently building heights around the site entrance would be limited to two storey (up to 9m to ridge), increasing to 2.5 storeys (up to 10m to ridge) towards the town and also to the east of the entrance where views are more contained. Variations in house types within the site would introduce subtle variation in the ridgeline and perceived building heights, which is a strong component of the local Shifnal vernacular. It is expected also that the extra care unit would have variety in its roofscape to reflect the level of variety found in the town centre and along Stanton Road. The urban form would incorporate focal point buildings, with those at the entrance to the development also defining the gateway entrance into Shifnal from the east. Parking would be a combination of on plot spaces, on street parking and parking courts
- 1.5 It must be stressed however that, in the event of outline planning permission being granted, the final layout of the site, along with scale, appearance, landscaping and access within the site would be determined through the consideration of reserved matters application(s).
- 1.6 The application is accompanied by a Planning Statement; Design and Access Statement; Ecological Appraisal; Great Crested Newt Mitigation Strategy; Flood Risk and Drainage Assessment; Care Delivery Plan; Services Report; Tree Survey; Statement of Community Involvement; Archaeological Assessment; Landscape and Visual Appraisal; Sustainability Statement; Waste Audit Statement; Transport Assessment; Travel Plan; Environmental Risk Assessment; Noise Impact Assessment; and an Employment Land Assessment.
- 1.7 A screening opinion was issued on 20<sup>th</sup> February 2014 to the effect that the proposed development would not require an Environmental Impact Assessment. (ref: 13/04774/SCR).

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated outside of the Shifnal development boundary shown in the Bridgnorth District Local Plan and is on safeguarded land which is excluded from the Green Belt. (Saved Local Plan policy S4 protects safeguarded land to meet the future development needs of Shifnal). The site is bounded to the north

and east by Stanton Road and Lamledge Lane, by the Lawton Road public footpath to the south, beyond which is existing commercial development and housing under construction on the former Springhill Trading Estate. This new housing development also abuts the western boundary of this application site. The topography is gently undulating land with a gentle fall to the south.

### **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

- 4.1 Shifnal Town Council - Recommend Refusal:  
Reject – as previously lodged with Shropshire Council
- 4.2 SC Highways Development Control – No Objection:

#### **4.2.1 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.

#### **4.2.2 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.

#### 4.2.3 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;

- ② Thomas Beddoes Phase 1,
- ② Land at Haughton Road (12/04646/OUT);
- ② Land at Coppice Green Lane (13/02989/OUT)
- ② Springhill Industrial Estate (13/03055/FUL),
- ② Thomas Beddoes Phase 2 (14/00062/OUT)
- ② The Uplands (13/04840/FUL)

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 years, 2015 and 2026 (with and without committed development, as defined above) and the proposed development. It concludes that *'the uplifts are minimal and in reality it is considered that there would be no discernable difference in operation of the junctions given the congestion during the baseline peak hour conditions'*

This is disputed by Shropshire Council as Highway Authority.

Whilst it is acknowledged that it has been demonstrated that Junction 2 (Victoria Road/Bradford Street/Market Place Junction) and Junction 4 (Haughton Lane/Shrewsbury Road/Victoria Road/Innage Road/Priorslee Road in the AM and PM peak hour would operate above the recommended theoretical capacity with the committed developments in place. The submitted Transport Assessment submitted and other transport assessments which have been commissioned for developments in Shifnal have demonstrated that the cumulative impact of all developments to include the proposed development will be impacting upon junctions in the town and the local road network.

The submitted Transport Assessment acknowledges that in the 2026 AM and PM peak hour key junctions would operate above the recommended theoretical capacity with the committed and proposed development in place. These junctions are as follows;

**Junction 1** – Bradford Street/Aston Street

**Junction 2** - Victoria Road/Bradford Street/Market Place Junction

**Junction 4** - Haughton Lane/Shrewsbury Road/Victoria Road/Innage Road/Priorslee Road

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.

#### 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 and construction of the proposed roundabout. The Roundabout should be constructed in accordance with TD16/07 and all engineering details should be submitted to the local planning authority prior to commencement of works and constructed prior to occupation of the development.

The submitted Transport Assessment indicates that the existing 30mph speed restriction on Stanton Road 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 of £2000 to cover the cost of a traffic regulation order should be secured through the Section 106 Agreement.

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority

#### **4.2.4 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 Stanton 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 roundabout 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.

4.3 Highways Agency – No Objection:

The Highways Agency has reviewed the details of the application and consider the proposals are unlikely to adversely affect the safety and free flow of traffic on the Strategic Road Network, which in the vicinity of the application site is the M54 Motorway.

4.4 SC Archaeology – No Objection:

The development proposal involves land to the east of Shifnal adjacent to and south of the extents of Aston Hall Park (HER PRN 07504), the Grade II\* listed building of Aston Hall and two other listed buildings. There are a number of non-designated heritage assets located within the immediate area.

Shropshire Councils Historic Environment Team commented on a screening opinion (13/04774/SCR) for the proposed development, requesting that a heritage assessment for the development be undertaken.

An Archaeological Desk Based Assessment (Report No. CSa/1988/05 October 2013) and a Landscape and Visual Assessment (Report No, CSa 1988/06a) have been submitted in support of the application. These documents assess all heritage assets that may be directly or indirectly affected by the development and addresses any issues of setting of heritage assets that may arise.

In respect of archaeological remains the report notes that no known archaeological sites from any date lie within the development boundary although a number of sites of post medieval date lie outside of the development boundary. A number of post medieval findspots within the development boundary not included in the report, have been recorded through the Portable Antiquities Scheme. The report concludes that this paucity of evidence may reflect the comparative lack of previous investigations beyond the historic core of Shifnal rather than a true absence of archaeological activity.

Therefore, although the potential for previously undetected buried archaeological remains being impacted remains low, further evaluation would be considered appropriate as this would provide a level of confidence regarding the actual potential for archaeological remains to be encountered. In respect of the visual impact, the assessment suggests that potential impacts upon the settings of designated heritage assets would be limited to a magnitude of change of medium significance upon the setting of the Grade II\* Listed Aston Hall generally, although this may be more apparent during the winter months. Mitigation measures in terms of a landscaped strip between the development and views to Aston Hall have been proposed.

I concur with both these findings only noting that English Heritage have not been invited to comment on issues of setting.

**RECOMMENDATION:**

In view of the above and in accordance with NPPF Section 141 I would recommend that Programme of Archaeological Work in accordance with a written scheme of investigation (WSI) be undertaken prior to work commencing on the site. This should make provision for additional evaluation of the site using geophysical survey followed by series of targeted trial trenches to determine the presence or absence of un-recorded archaeological deposits and establishes a level of confidence regarding the actual potential for archaeological remains to be encountered. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

**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). 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 then need to be undertaken to fulfil the condition.

**4.5 SC Waste Management – Comment:**

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

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. Waste Management has concerns about the Home Zone areas. The design and access statement describes this as narrow with on street parking, this would cause issues for refuse collection vehicles not being able to manoeuvre past parked cars. I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here:

<http://new.shropshire.gov.uk/media/102056/Supplementary-Planning-Guidance-domestic-wastestorage-and-collection.pdf>

**4.6 SC Parks and Recreation – Comment:**

Under current regulations, the development should provide 30sqm of public open space per bed space. As no specific details are set out in the application calculations have been based on an average 3 bedroom dwelling in order to gain figures for this development. There are approximately 100 houses proposed within this development meaning that approximately 9,000sqm of useable public open space should be provided as part of this development. This figure will vary depending on the amount of bed spaces finally planned within the development. It is considered that the current amount of useable open space provided within the development is insufficient in order to sustain the future community of this site.

Current provision consists of largely of attenuation ponds and drainage which are not considered as useable public open space. Therefore, further provision is required on site that would be useable by that community for recreation.

The location of the proposed public open space in relation to the development and surrounding communities is considered a good location and will benefit the green network connectivity for the area. However, more of a link should be established between the area near to the railway tunnel and the drainage and ecological area so that it is not only via the 0141/5/1 footpath to the south of the site but through the development itself. Currently, linear movement is encouraged to the south of the site only and does not assist people living in the north and west of the site wanting to access public open space provision via safe means.

The town's vision for a town park is set out within the place plan as a priority for any development within Shifnal. This proposal should address this vision, or part of it where relevant, and should not be considered separate. It should be seen that landscaped areas, buffer zones and Sustainable Urban Drainage Systems should not be considered as useable public open space and should therefore be omitted from any calculation in respect to the provision of public open space for recreation within the development. Whilst it is recognised that the hedging and tree buffer zones are necessary for noise reduction/ ecological values and the retention pool necessary for drainage, it is also recognised that the amount of useable recreational space has suffered as a result of their provision. This development should reflect the place plan priorities for the need for greenspace provision and linkages within the town, with the new developments being an attribute to realising this vision. The PPG17 study also supports this local priority.

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

Having considered the location of the site and proposed master plan I would expect that a noise assessment accompanies any reserved matters application. The noise assessment should take into consideration the effect of the Stanton Road and Aston Road to the north of the site, the depot to the south east of the site and also the industrial trade estate to the south west. It is noted that the industrial trade estate may in future be developed for housing however as the current use is potentially noisy this should be considered as a potentially ongoing noise source. When considering noise it is important to ensure that the care home is protected to the best possible standards. Target levels for noise should be taken from the World Health Organisation Guidelines for Community Noise and both internal and external noise levels assessed. If mitigation is required to bring noise levels within the target levels these should be stipulated in the assessment and if found to be acceptable may be conditioned for installation. It is therefore important that the applicant is aware of what has been proposed and is prepared to carry out the proposals in full.

With regard to air quality it is not expected that the development will require assessment as the background levels in the area are low.

With regard to contaminated land our internal records do not show any reason to ask for further work to be carried out. It is noted that a pond was found on site that may have been filled however the drainage pond will be in this area and therefore no properties proposed to be built are likely to be put at risk. If plans change with future applications contaminated land conditions may be required.

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

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

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

#### 4.8 SC Ecology – No Objection:

I have read the above application and the supporting documents including the Ecological Appraisal and Phase 2 Survey Report and Great Crested Newt Mitigation Strategy by CSa dated December 2013. The following conditions and informatives are recommended.

##### **Habitats**

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

##### **Condition**

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

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



### Great crested newt

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

CSa report that “The intensively managed arable field offers negligible opportunities and low habitat quality for great crested newts however, the rough grassland areas and hedgerows within the peripheries of the site offer dispersal, foraging and sheltering opportunities for the species. No great crested newts were found within the onsite pond, however given the proximity of the population within pond 12 it is considered likely that great crested newts utilise the terrestrial habitat within the site at certain times of the year.”

CSa have developed a detailed mitigation strategy to demonstrate that significant impacts to GCN can be avoided although a European Protected Species (EPS) licence will be required to permit the works. The following conditions are recommended:

#### Condition

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

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

3. All development 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 CSa dated December 2013.

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

#### Bats

Bat activity surveys were carried on four occasions between June and August 2013. This recorded common and soprano pipistrelle and noctule bats and a small number of Myotis bat species. CSa conclude that there are very low levels of bat activity of widespread bat species.

Although no bat roosts have been identified, certain trees within the margins of the site offer medium to high bat roosting potential. These trees will be retained under the current design proposals, however should it be necessary to remove such trees or if tree surgery work is required (e.g. for health and safety reasons) then further bat survey work may be required to establish the presence / absence of roosting bats.

CSa recommend that bat roost features should be incorporated into the design of new buildings or attached to retained trees. The following condition is recommended:

### Conditions

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

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

### Informative

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

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

### Badger

A full survey was undertaken but no badger setts were identified on the site. There are mammal paths which may be attributable to badger activity. It will be important to have an updated badger survey no more than 12 months old to accompany the Reserved Matters.

### Informative

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

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

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

### Reptiles

Seven survey visits were undertaken for reptiles but none were found.

## **Birds**

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

## **Informative**

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

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

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

### 4.9 SC Affordable Housing – Comment:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. The number, size, type and tenure of the affordable houses will need to be discussed and agreed with the Housing Enabling Team

### 4.10 SC Trees – No Objection:

I note that the tree survey (Ian Keen Ltd, ref: JTK/8225/so) has plotted and described the trees and hedgerows on the site and calculated their root protection area (RPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. Whilst this information is sufficient to allow me to accept in principle on arboricultural grounds the outline master plan for the site access and broad pattern of development, it is not sufficient to allow full assessment of the arboricultural implications of the proposed development, nor to show how retained trees and hedgerows are to be protected during implementation of any approved development.

Therefore, I would recommend the following information should be provided under reserved matters, in accordance with the aforementioned BS5837: 2012.

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

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

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

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

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

4.11 SC Rights of Way – No Objection:

Footpath 5 Shifnal runs along the outhern boundary of the development site but does not appear to be affected by the proposal.

4.12 SC Drainage – No Objection:

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

1. The Flood Risk Assessment is acceptable in principle. As soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval once the drained impermeable area is finalised. As stated in the FRA, the attenuation system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. As the development is within a Source Protection Zone, surface water run-off should be treated to the levels as detailed in the FRA.

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

2. If non permeable surfacing is used on the 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.

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

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

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

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

- 4.13 Environment Agency – Recommend consultation with the Council’s Flood and Water Management Team.

- 4.14 Severn Trent Water – No Objection:  
Recommend condition that the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- 4.15 SC Economic Development – Object:  
The site is identified for mixed use development in the emerging SAMDev Preferred Options report (SHI004) which included up to 3ha of employment land .This is part of the requirement of 5ha over the plan period to ensure balanced sustainable development in the light of the additional 1600 dwellings. Indeed further employment land was allocated following a request by Shifnal Town Council.

The proposals define the Extra Care Home as part of this employment provision and whilst providing some jobs this is likely to be limited. An Extra Care facility in Bridgnorth comprising a 50 apartment scheme has provided circa 14 full time permanent staff and 9 part time staff.

The JN Bentley Ltd site (ELR021) is allocated for employment use B1, B2 and B8 uses. Although a buffer of open space is proposed immediately to the north, new residential development located close to the land proposed area for employment expansion could effectively limit the range of employment uses that are likely to be permitted on grounds of nuisance, noise and hours of operation.

4.16 SC Planning Policy – Comment (No Objection):

4.16.1 The strategy for Shifnal outlined in the SAMDev Plan proposes two allocations for employment land totalling four hectares. Land between Lawton Road and Lamledge Lane (SHIF004/C) is one of these sites and accounts for 2 hectares of employment land provision. The current application seeks to use this site as part of the development of 100 dwellings and a 60 bed care home, but does not include any Class B employment provision envisaged in the SAMDev. Whilst the broad principle of housing development on site SHIF004/B has been established through the SAMDev, this is not the case with SHIF004/C. The key issue outlined in previous policy comments to this application is the loss of site SHIF004/C for Class B employment purposes. The additional information provided by the applicant has sought to justify the use of this land for only residential / car home purposes contrary to emerging SAMDev Plan.

4.16.2 **Summary of additional information**

The Future Employment Land Need document prepared by applicant argues for a lower employment guideline compared to that outlined in the SAMDev. They use three methodologies – ‘labour demand’; ‘labour supply’ and ‘past take-up rate’. Each methodology provides a different outcome, but all conclude that less than 4 hectares of employment land is required for Shifnal up to 2026.

The ‘labour demand’ and ‘labour supply’ are broadly similar in approach in that they seek to project forward current trends in employment trends locally, factoring in the impacts of population increase/additional residential development to arrive at a floorspace/hectare requirement for different types of class B employment uses. Both these approaches result in relatively small increases in employment land need to 2026. The ‘past take up’ approach looks at the past rate of employment development in Shifnal since 2006 and projecting this forward. This approach arrives at an employment requirement of 2ha to 2026.

The Food Retail Appraisal prepared by the applicant provides an assessment of the potential for convenience retail development in Shifnal. It is the view of the applicant that the current market is unlikely to support land for new convenience retail in Shifnal.

4.16.3 **Policy comments**

An overarching requirement for the SAMDev Plan is to ensure a suitable balance of development between housing and employment is delivered over the plan period. The SAMDev also needs to reflect the strategic policies set out in the adopted Core Strategy and distribute development accordingly. The SAMDev Plan was submitted for examination on 1 August 2014.

For Shifnal the Submission SAMDev Plan includes a development guideline of 1,250 dwellings and 5 ha of employment land between 2006 and 2026. Of the 5 ha of employment land, 4 ha are on identified allocated sites (including 2 ha on the eastern part of the application site known as SHIF004/c) and 1 ha is expected to come forward through small-scale windfall development in Shifnal and/or the surrounding rural area over the plan period. As well as the creation of jobs on allocated employment land, the Plan also identifies the potential for the provision of jobs through the planned care home on site SHIF004/b (part of the current application) as well as jobs relating to retail development.

The current application on sites SHIF004/b and SHIF004/c remains unchanged and consists of a mixed residential development of up to 100 dwellings and a 60 bed extra care facility. The most significant issue raised in earlier policy comments has been the loss of potential employment land resulting from the proposed scheme. The additional information provided by the applicant has sought to justify the use of this land for only residential / care home purposes contrary to the submitted SAMDev Plan.

With regard to the additional information provided by the applicant, it is accepted the employment requirement projections are based on credible sources with each scenario forecasting less required employment provision than proposed in the SAMDev. It should be noted all three approaches are based upon quantitative assessments and rely heavily upon projecting forward current trends. In arriving at the preferred employment provision for Shifnal, the SAMDev has also needed to take account of a range of qualitative information identified in the Employment Land Review, such as the lack of suitable employment provision in Shifnal over previous years and the resulting knock-on impact this has had on past rates of employment development. The potential difficulty of finding alternative land due to the restrictions of the Greenbelt is an issue raised in previous policy comments and is still relevant. In arriving at a balanced development strategy for the town consideration has also been had to the higher than average rates of residential development expected to be delivered over the remainder of the plan period. It is therefore considered that for plan making purposes the submission SAMDev continues to be soundly based.

Notwithstanding this, it is recognised there are other considerations that are material in the consideration of this planning application. As with previous policy comments, it is recognised the Council's current housing supply position means that the NPPF's 'presumption in favour of sustainable development' has significant weight and that current and emerging local plan policies have less weight. The key consideration should therefore be whether the proposed scheme represents sustainable development, and that in line with Paragraph 14 of the NPPF whether any adverse impacts would significantly and demonstrably outweigh the scheme's benefits.

In weighing up the application's sustainable development credentials, the loss of planned employment provision should continue to be given consideration, although it is accepted there is also a need to look at wider issues in forming a view. With this in mind it is accepted the application will bring forward and support the delivery

of a proposed SAMDev residential allocation (SHIF004/b). The site has been assessed through a technical assessment process and considered to represent a logical and sustainable opportunity to deliver around 100 dwellings. Whilst the proposed scale of the residential scheme is in keeping with the SAMDev, it is acknowledged the additional site area provided by the removal of the employment provision will allow greater opportunities for the scheme to provide a locally appropriate design and layout. The delivery of the care home will contribute to the overall balance of development in the town and will provide additional jobs, albeit on a use outside the general definition of employment provision in planning terms.

If approved there will be two hectares of employment land provision remaining on land allocated in the SAMDev at J.N.Bentley Ltd off Lamledge Lane (ELR021). This site is envisaged to take a full range of class B employment uses and is therefore considered to be responsive to a wide range of potential employment opportunities. In addition the SAMDev supports the delivery of around 1 hectare of windfall employment land in the Shifnal area. Whilst this offers less certainty than an allocation, it will help to ensure the council can respond to future employment opportunities in a positive and flexible manner.

The loss of SHIF004/c for employment purposes remains an important consideration in the longer term. Should the application be approved, it is considered that further work will need to be undertaken during the plan period as part of a Plan review process in order to identify additional employment provision for the town. This may require the council to assess the employment potential of remaining 'safeguarded land' around the town, and could respond to opportunities presented by the planned review of the Greenbelt. Given it is the general expectation that Local Plans are regularly reviewed and monitored this additional work during the plan cycle is considered to be achievable and appropriate.

**In summary**, when considered against the 'presumption in favour of sustainable development' there is recognition that the application does bring local benefits that should be weighed against the adverse impact of the loss of employment land. It is considered the additional information provided by the applicant is useful in understanding the quantitative employment needs for Shifnal up to 2026, but that for plan making purposes the submitted SAMDev Plan for Shifnal remains a soundly based. In the short term it is considered the loss of employment land is unlikely to have a significant adverse impact, but that a review of the Plan is likely to require the identification of additional employment opportunities in the town to ensure longer term balanced development. The application will deliver a residential allocation in the submitted SAMDev Plan which will boost the Council's housing supply and will enable jobs at the proposed care home, and this should be given weight in decision making.

#### -Public Comments

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

18 Objections:



-Site identified in SAMDev revised preferred options for mixed uses appropriate to location close to town centre, including 2ha of employment land; proposal is predominantly housing, ignoring the required employment allocation land.

-Site for extra care facilities halved in comparison with original plans shown in the statement of community engagement.

-Suggest siting a new medical centre closer to the town centre and next to the proposed care home which would comply with the employment allocation.

-Value of the serviced medical centre site on the Lioncourt Homes site should be handed over and put towards the cost of a new medical centre here.

-Consent should not be given until there is a solution to Shifnal's traffic problems.

-There should be a suspension of any further development on top of the 915+ already agreed until the town has been given time to adjust, and gauge in real life, how it may adapt for further growth.

-Disproportionate and unsustainable.

-Local infrastructure and services cannot cope with the level of housing

-Shopping and parking facilities in Shifnal Centre inadequate.

-Not aware of proposal to reinstate services lost over the last 10 years.

-Employment opportunities in Shifnal very poor.

-Development approvals against the wishes of Town residents.

-Totally unacceptable to use Shifnal to meet land bank requirements.

-With existing approvals would be a 40% increase in the size of Shifnal.

-Where there is not a 5 year supply of housing land, under the NPPF planning can be refused where there are "significant adverse impacts" and this would be the case by increasing size of Shifnal by 40%; cumulative effect unacceptable.

-Road safety, flood risk and public services constraints being ignored.

-Already 40 plus children in some school classes and have to wait more than one week for a doctors appointment.

-Shifnal will never see the benefits of CIL money.

-Who are the new homes being built for?

-Shropshire Council has given Shifnal to the Developers because the profit margins per unit built are so favourable to all involved, apart from the residents of the Town.

-Better sites available elsewhere, including previously developed but currently unused sites.

-Traffic survey conducted during school holidays and was not a true account of an already daily problem area.

-Congestion at peak and other times.

-Medieval core and later market town layout not designed to deal with the volume and nature of traffic.

-Not enough parking in Town.

-Transport Study options presented by Shropshire Council unsustainable and unacceptable.

-Harm character of town.

-Natural environment being destroyed without regard for the damage done to habitats and biodiversity.

-Will increase flow of water into the mere at the back of Silvermere and make flooding of Silvermere and Wesley Brook worse.

-All the current applications discharge directly or indirectly through the Silvermere and then via an overflow pipe rather than an outlet culvert described in 2008 documents. The proposed 0.2m lowering of the outfall would still not equate to the level or capacity of the original blocked outlet culvert.

-Developments which discharge into the Silvermere should be rejected until such time as an efficient outfall is constructed.

-Price of starter homes beyond the reach of local young people.

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development - Housing

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 (and extra care accommodation) on the site outside of the Shifnal development boundary would be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework, published in March 2012, must be taken into account and is a material consideration of significant weight in determining planning applications.

6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material

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

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

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

It continues at paragraph 49 that:-

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

These paragraphs are highly significant in the context of this planning application because Shropshire Council had published an updated 2013 Five Year Housing Land Supply Statement for Shropshire and Shrewsbury. The update is based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment shows that at 1<sup>st</sup> April 2013, there was a 4.95 year supply of housing land, below the minimum five year requirement. Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date

by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

6.1.4 While the application site falls is designated 'safeguarded land' under Local Plan policy S4, 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. A refusal of this application solely on the grounds that it is contrary to present Development Plan housing policy by being outside of the development boundary for Shifnal would be most unlikely to be sustained at appeal, due to the sustainability of the site in the context of the NPPF guidance and its inclusion as an allocated site for housing in all versions of SAMDev as outlined below.

6.1.5 A factor of substantial significance in this case is that the application site forms part of a parcel of land which, in the SAMDev preferred options consultation of March 2012 and the revised preferred options consultation of July 2013, has been allocated for mixed development. (Land south of Aston Road (ref SHI004). Within the SAMDev Final Plan the current application site area has been split between a housing site allocation SHI004/b (Land between Lawton Road and Stanton Road) with a capacity of around 100 homes, and an employment site allocation SHI004/c (Land between Lawton Road and Lamledge Lane) of 2 Ha for offices or general industrial, subject to compatibility with adjoining uses. While the illustrative site layout with the current outline application for up to 100 dwellings shows houses spread across both allocations, the allocations demonstrate an acceptance in principle of 100 homes in this area and the actual site layout would be determined at the reserved matters stage in the event of outline planning permission being given.

6.1.6 The allocation of part of the site for residential development in SAMDev demonstrates that the Council is satisfied that the principle of such development on this site to contribute to housing supply would meet the three dimensions of sustainable development – economic, social and environmental – set out in the National Planning Policy Framework. The absence of employment land from the current application, other than that which would be created by the care home, is considered below.

## **6.2 Principle of development - Employment Land**

6.2.1 The Explanation in support of the proposed land allocations in Shifnal, set out at paragraph 5.141 of the SAMDev Final Plan, advises that there will be windfall employment development and jobs associated with other uses, and makes specific reference to "such as jobs related to the planned care home on site SHI004/b" which is included in the current application.

6.2.2 The application is accompanied by an Employment Land Assessment, examining the need for employment land within Shifnal up to 2026. It looks at the socio and

employment characteristics within the Shifnal study area and compares these with the wider Telford and Bridgnorth Travel to Work area; the Telford Strategic Housing Market area and the wider region. The occupation profile across the Shifnal study area shows that the two main occupation types within Shifnal are professional (17.7% of the resident population) and associate professional/technical occupations (13.2% of the resident population). This is followed by a relatively even spread of residents employed within skilled trades (11.9%), admin/secretarial roles (11.6%) and managerial, director and senior positions (11.2%). Compared to the wider study area Shifnal has a higher proportion of residents in the professional, associate professional/technical and managerial, director and senior positions, and a lower percentage in skilled trade occupations.

- 6.2.3 Consideration of the socio economic context in the report concludes that around 3005 Shifnal residents are in employment, and that around 1186 commute out of Shifnal for employment. Around half of working residents within Shifnal travel less than 10km to work, with a further 10% working from home. When looking at the distance travelled by industry of employment to a place of work, a higher proportion of those employed within professional and associate professional/technical industries appear to commute over 10km, when compared to other industries. The highest proportions of residents who work within 10km of Shifnal appear to work within the manufacturing and public service industries.
- 6.2.4 Their analysis of planning policy demonstrates that the employment land delivery within Shifnal has been intermittent. Post 2006/2007 there has been a low delivery rate within the area, with all the completed floorspace (around 2 hectares) over the period 2006/2007 to 2013 has been either B2 (General Industrial) or B8 (Storage or distribution) space. The Shropshire Authority's Monitoring Report (AMR) 2012-2013 (March 2014) indicates that as of April 2013 there had been no commitments to build class B employment space within Shifnal, from either existing or old commitments. The AMR has indicated that the proposed employment space up to 2026 within Shifnal may be targeted towards recycling and environmental health industries.
- 6.2.5 The assessment of the current market context identifies 22 properties within Shifnal which fall under the description of office, industrial and light industrial. In this total it identifies eight vacant spaces within four properties, some of which comprise retail space. It comments that, at the time the report was written, only one of these properties is for sale, and is currently under offer after having been on the market for 411 days. The remaining listings advertise rentable floorspace, all of which has been on the market for over a year. It concludes that there is an intermittent nature to the market for B1, B2 and B8 floorspace within Shifnal, the majority of the floorspace is small scale and the take up of rentable floorspace has been low.
- 6.2.6 The assessment of future employment land needs takes into account the above context. It follows the advice contained in the National Planning Practice Guidance, published by The Government in March 2014. Up-to-date econometric forecasts for the Shropshire local authority area, published by Experian, have been used. These Experian forecasts anticipate a net increase of approximately 12,100 FTE (Full Time Equivalent) jobs across Shropshire as a whole between 2012 and 2026,

representing an expectant increase in FTE employment of 12% over the 2012 baseline. The sector level growth rates anticipated by the Experian forecasts have been used and applied to the baseline employment levels currently found for the same sectors in the local Shifnal area (including Cosford). 38 broad employment sectors are used which, on the basis of the 12% expected change, would create 372.8 FTE. The assessment comments that it is notable that 88% of expected future job growth in Shifnal (including Cosford) over the period to 2026 is expected to be located in a non B-class employment (such as health and education). Of the B-class FTE jobs expected, almost all (37) are in category B8 (Storage or distribution). The expected change in B-class Floorspace for Shifnal in the period 2012 – 2026, when the HCA Employment Densities Guide is applied, would require a Gross External Area of 33sqm for offices; 211sqm for industrial and 2593sqm for warehousing. Conversion of these floorspace estimates into estimates of the land required, by the application of standard assumptions for plot ratios results in the expected future demand for employment land (B-class) in the locally defined Shifnal (including Cosford) area being: Office 0.01Hectares; Industrial 0.05 Hectares; Warehouse 0.58 Hectares; Giving a total of 0.63 Hectares.

- 6.2.7 In addition the Assessment has also looked at the labour supply approach to an estimate of the employment land likely to be required for the period 2012 to 2026. The additional jobs expected to occur in Shifnal over the period 2012 to 2026 using the labour supply approach, which takes into account extant permissions for housing, totals a gain of 143.3FTE. The estimated population for Shifnal would include 5,026 residents aged between 16 and 74 in place by 2026 based on census data, rolling forward existing age profile yields and taking account of permitted housing development. The expected change in B-class land in Shifnal (2012 – 2026) using the labour supply approach results in forecast of a net additional 0.24 hectares of employment land being required, comprising 0.02 hectares of industrial land; 0.22 hectares of land to accommodate warehousing and no land needed for office development. (An explanation for the lower estimate of employment land through this approach is partly explained by the labour supply approach using a tighter geographical definition of the area defined as "Shifnal" –for example the Cosford area was not included).
- 6.2.8 An examination of past take-up of land using Shropshire Council's Annual Monitoring reports has been studied for the period 2006/07 until 2013. These show that of the 2.1 hectares of Class B land which has been developed since 2006, all but 0.2 hectares of this was completed in 2006 -2007. This represents an average rate of development of 0.25 hectares per annum, and if this average was extrapolated over the 2014 to 2026 period then the expected level of development would be 3.25 hectares. However it is clear that development in Shifnal is intermittent and, if the development in 2006-07 is excluded, the average rate of development since 2008 has been just 0.03 hectares per year. A mid-point assessment of this issue, taking into account current vacancies, suggests that 2.0 hectares of employment land would be sufficient for Shifnal, split evenly between B2 and B8 development.
- 6.2.9 The conclusion of the Employment Land Assessment on these alternative approaches, which range from a 0.24 hectare requirement based on the labour

supply approach; through 0.63 hectares on the labour demand approach to 2.00 hectares on the past take up approach, is that the latter figure, due to the intermittent nature of demand in Shifnal, would have the danger of resulting in an inefficiently utilised land resource in Shifnal. It concludes that the amount of employment land likely to be required in Shifnal between 2012 and 2026 is likely to lie at the lower end of the 0.24 to 2.0 hectares range, with almost all of this being needed for industrial and warehousing uses.

- 6.2.10 A Food Retail Appraisal has also been submitted for this site. The Bridgnorth District Council Retail Study 2006 – 2021 concluded with respect to Shifnal that there was no overriding need to make provision for new convenience retail floorspace in Shifnal. The Appraisal comments correctly however that, under present NPPF policy should a retail scheme come forward, the capacity position would not be a deciding factor in any planning application, as 'need' is no longer a development management test: Instead there is a focus on Sequential and Impact tests. They comment that their clients have made initial enquiries as to whether a food retailer would consider the application site and have found no interest. The Assessment concludes:
- There is no capacity for significant main-food retail floorspace in Shifnal, but this would not prevent a planning application from being considered positively if the necessary and appropriate justification is provided.
  - The Town Centre's convenience provision is limited but appears to potentially fulfil the local population's top-up shopping requirements.
  - Strategically positioned main-food stores in Telford are likely to be presently meeting the main-food shopping needs of Shifnal residents.
  - There is no recorded requirement by a retailer for a new main-food store in Shifnal. This is likely to be because of existing trading conditions in the foodstore sector and that the Telford Stores are able to adequately serve the Shifnal area due to their strategic locations and ease of access.
  - Should market conditions change, there is the potential to promote a Foodstore on the site.
  - The potential for conditions to change is however uncertain and the planning application scheme represents an important opportunity to meet an emerging Development Plan requirement and deliver wider benefits. If market conditions do change, then a retailer is more likely to prefer site options on the west side of the Town Centre which are more easily accessible by the local population and wider hinterland.
- 6.2.11 A report detailing the evidence of demand for care home accommodation in the Shifnal area has been submitted with the application. The report also details the number of jobs likely to be created by this part of the development proposal. In the case of a 50 unit class C2 Extra Care scheme some 22 full time equivalent (FTE) jobs would be created, with a 60 unit class C2 Residential care scheme creating some 44 FTE jobs.
- 6.2.12 The Council's Planning Policy Team has reviewed the above reports and their detailed comments are set out at section 4.16 above. It is their conclusion that the provision of a care home in this proposal, in lieu of traditional class B employment uses, would not automatically warrant a refusal of this application. There would still

be two hectares of employment land suitable for class B type uses through the allocation in SAMDev of land off Lamledge Lane, which would accord with the maximum amount identified in the Employment Land Assessment accompanying this application. There is other safeguarded land around Shifnal which can be considered for employment use should a specific need arise in the future. It is acknowledged also that a care home would be a significant employment generator and would meet an identified need. The additional site area for 100 dwelling units provided by the removal of the B class employment provision would allow for greater opportunities for a lower density scheme with a locally appropriate design and layout. On balance therefore, it is considered that the principle of a care home on part of this site, instead of traditional class B employment uses, would be acceptable.

### **6.3 Affordable Housing**

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

### **6.4 Visual Impact and Character**

6.4.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. All matters other than the access onto Stanton Road are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting documents (see paragraphs 1.2 to 1.4 above) and the visual containment of the site by the built up area of the Town to the west, the existing employment premises, new housing under construction and railway embankment to the south, together with industrial/commercial development to the east, would mean that development of this site would not adversely impact upon the wider landscape.

### **6.5 Drainage**

6.5.1 The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development. The hydraulic modelling undertaken as part of the Shifnal Surface Water Management Plan concurs with this classification. Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way,



with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. A flood risk assessment incorporating a drainage strategy accompanies the planning application.

- 6.5.2 The Flood Risk Assessment (FRA) advises it is proposed to discharge the surface water flows from the site via a detention basin located to the south of the development area. Attenuation within the site will store flows up to the 1 in 100 year (+30% climate change allowance) return period event and limit outflows to greenfield run off rates. It states the proposed surface water strategy will not increase flood risk at the site or elsewhere, and the effect of the new development will provide positive benefits.
- 6.5.3 The FRA explains “the proposed surface water outfall from the site passes across third party land to the ditch course to the south. Procurement of the offsite outfall can be achieved through negotiations with the relevant land owners or through a sewer requisition agreement under Section 98 of the Water Industry Act 1991 with Severn Trent Water. As part of this procedure permission is required from the riparian owner of the ditch course to make the connection, and if the ditch course was within unregistered land then permission from the riparian owner could therefore not be obtained. Severn Trent Water have however advised that under a sewer requisition agreement they are obliged to offer an outfall, this might not be the one that was intended but if they cannot offer that for any reason then it will be another point where they can outfall to. Severn Trent Water have indicated that an alternative outfall to the public surface water sewer to the west of the site within the Spring Hill Trading Estate is likely to be offered if an outfall to the ditch course could not be achieved through the sewer requisition procedure.”
- 6.5.4 The FRA continues “The ditch course to the south passes through a culvert beneath the railway line. Network Rail will need to check the proposals as “an interested party” during the planning process to ensure the proposal creates no increase in flood or pollution risks. However surface water discharge rates will be controlled to ensure there is no impact upon this culvert.”
- 6.5.5 With regard to foul sewerage the FRA states It is proposed to discharge the foul sewerage from the site to the existing Severn Trent Water combined sewer in Stanton Road. Gravity connections from the development are not feasible without extensive level raising across the site (up to approximately 1 metre), and therefore a new foul water pumping station and rising main are proposed. Severn Trent Water has confirmed that foul water flows generated by the proposed development can be accommodated within the existing foul sewer network.
- 6.5.6 The Council’s Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the development proposed. Severn Trent Water have responded to their consultation raising no objections and are also content that drainage matters can be dealt with by condition on this outline planning application. The precise drainage details would be fully assessed when a detailed scheme for

the site is submitted for approval, should the principle of development be accepted.

## **6.6 Highway Safety and Accessibility**

6.6.1 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.

6.6.2 The Transport Assessment submitted with the application has assessed the traffic flows from the proposed development and the impacts upon key junctions and their operation in the town at 2013 and future years 2015 and 2026 with and without the proposed development. It has also considered other transport modes and facilities in the locality. Account has been taken of committed developments. The Assessment concludes that the Aston Street/Bradford Street priority junction is predicted to experience capacity constraints and additional queueing, as would the Victoria Road/Bradford Street/Market Place priority junction, and that capacity constraints are already experienced at these junctions. The Innage Road arm to the Houghton Lane/Shrewsbury Road/ Victoria Road/Innage Road/Priorslee Road in 2026 with development would also experience capacity issues: This finding is consistent with Transport Assessments submitted with other development proposals in Shifnal. The Priorslee Road roundabout would be operating over theoretical capacity with the proposed development in 2026 and consideration would need to be given to mitigation at these junctions. The M54 junction 4 would experience additional queueing in the PM peak only, but this would be marginal and likely to be reduced through appropriate travel planning measures which would be implemented by the developer. The other junctions studied, comprising of Broadway/Bradford Street/Shrewsbury Road; Curriers Lane/ High Street; Curriers Lane/Aston Road; the junctions into the Thomas Beddoes Court development and Priorslee Road/Telford Services are judged to have sufficient capacity to not require mitigation measures. The comments of the Council's Highways Development Control Team on the junction capacities issue may be found at 4.2.3 above, who agree with these findings but comment that there is a strong linkage between the Aston Street/ Bradford St and Bradford Street/A464 junctions, due to their close proximity which makes the operation of these junctions far less predictable than the assessment suggests.

6.6.3 An analysis of accident data in the Transport Assessment concludes that there is no existing accident problem or identifiable accident trends within the study area that would be exacerbated by the proposed development. The mitigation measures set out in the Assessment comprise of a Travel Plan to encourage use of sustainable transport modes including walking, cycling and public transport; pedestrian improvements with the provision of a footway behind the hedge fronting Stanton Road/Aston Road; off-site highway improvements through the wider Travel and Movement Strategy being developed for Shifnal to which a contribution from this development would be provided – The precise improvements would be a matter for consideration as part of the ‘Shifnal Strategy’.

6.6.4 SC Highways Development Control have commented a wider Travel and Movement Strategy for Shifnal is currently being developed. This strategy is intended to consider the cumulative impact and effect of all the proposed developments in Shifnal on the local highway network, to determine what improvements and mitigation is required to manage the growth of vehicular and sustainable travel within the town. The ‘Strategy for Shifnal’ will include the upgrade of key junctions where capacity has been identified as an issue, together with the promotion of sustainable transport within Shifnal and improvements to pedestrian and cycle facilities and the existing bus network. The Council’s Highways Officers are content that the proposed access into the application site would be acceptable and not detrimental to highway safety. The proposed highway contribution towards the ‘Strategy for Shifnal’ which would be sought as part of any grant of planning permission would include a review of the existing bus network and pedestrian and cycle facilities. To encourage sustainable travel within Shifnal, reducing the impact on the Highway Network. Due to highway capacity issues which have been identified, any resolution to grant consent would have to be subject to satisfactory agreement being reached on the contribution that this development proposal should make to off site highway works/sustainable travel measures through the Section 106 Agreement. It should be noted, at paragraph 4.3 above, that the Highways Agency has no objections to the application.

## **6.7 Residential Amenity**

6.7.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise.

6.7.2 A Noise Assessment has been submitted with the application, which is based upon a 3 hour period of on-site noise monitoring at two monitoring locations adjacent to the dominant noise sources, Stanton Road and Lamledge Lane. It concludes that, depending on the location and layout of dwellings, mitigation may be needed to meet British Standards and World Health Organisation recommended noise levels. The installation of acoustically attenuated glazing and passive ventilation (e.g. trickle vent) systems would reduce internal and external noise levels to within the recommended noise levels. Public Protection are content with the findings of this

report. These are matters which would be taken into account in the submission of reserved matters application(s) should outline planning permission be given. A noise assessment would be needed specific to the development details in reserved matters applications to establish the specific measures which would need to be incorporated into the development.

6.7.3 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere with SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays and Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued.

## **6.8 Ecology**

6.8.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the approval of a habitat management plan; the obtaining of a European Protected Species Licences with respect to Great Crested Newts; work to be in accordance with the submitted Great Crested Newt Mitigation Strategy; the submission of a habitat management plan; the provision of bat boxes and any external lighting. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to bats, badgers and nesting birds would be attached to any planning permission issued.

6.8.2 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 due to the key role of this site identified through all stages of the SAMDev process as a housing and employment site to enable the comprehensive development of the east of the town that is strategically important to the future sustainability of Shifnal. A further significant factor is the priority given in the National Planning Policy Framework to the supply of housing sites in sustainable locations where Councils are unable to demonstrate a five year land supply. The site location and context, and the connectivity required to the existing built up area with sustainable transport options/links, means that there is no satisfactory alternative to the development of this land for residential and employment purposes. It has been established through the investigations carried out and with the recommended mitigation that the development would not be detrimental to the maintenance of the population of Great Crested Newts bats at a favourable conservation status within their natural range.

## **6.9 Open Space**

6.9.1 The Council's Parks and Recreation Team have made a number of comments about the layout of the public open space on the indicative master plan. The precise form of these areas would be a matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January

2012. The equipping of open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

## **6.10 Loss of Agricultural Land**

6.10.1 The site lies on a mixture of Grade 2 and Subgrade 3a 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), and the inclusion of this land for development in all the SAMDev consultations and inclusion in the Final Plan, it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

## **6.11 Archaeology**

6.11.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, including areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted with the application. The assessment concludes that the paucity of archaeological evidence may reflect the comparative lack of previous investigations beyond the historic core of Shifnal rather than a true absence of archaeological activity, although there is nothing to suggest from the desk-based research alone that significant archaeology is present within the site. Archaeology should not therefore be viewed as a constraint to development. The Council’s Archaeology Team consider that archaeological interests can be safeguarded adequately by a condition requiring a programme of archaeological work to be agreed prior to construction work commencing on site.

## **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. Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council’s position is that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. In the calculation of the 5 years’ supply, it is recognised that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. 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 this site is a sustainable location, adjacent to existing housing immediately adjoining the built up area of Shifnal. Part of the site is identified as a housing site in the SAMDev Final Plan and has been a mixed development site in all previous versions of SAMDev. The principle of residential development on this site would accord the economic, social and economic roles of sustainable development set out in the National Planning Policy Framework. On balance, the provision of a care home on part of this site instead of traditional class B employment uses, would be acceptable.

7.2 There are considered to be no other material considerations of sufficient weight to override the presumption in favour of sustainable housing development as exemplified by this scheme. The cumulative effect of all sites proposed in the SAMDev 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. This site is the last of the housing land allocations in the SAMDev revised preferred options to not yet have a resolution to grant planning permission, with the exception of a small area adjacent to 'The Uplands'. The development of housing and a care home on this land would not detract from the wider landscape setting of Shifnal or the immediate locality. Neighbour amenity would be safeguarded in the consideration of the reserved matters submission. There are no ecological, archaeological or drainage reasons that would justify a refusal of outline planning permission. The scheme would make a contribution towards affordable housing and the Travel and Movement Strategy for Shifnal through the Section 106 Agreement. Detailed technical aspects of the scheme would be fully assessed in relation to the development scheme submitted at the reserved matters stage.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS10 Managed Release of Housing Land  
CS11 Type and Affordability of Housing

CS17 Environmental Networks  
 CS18 Sustainable Water Management  
 S1 Development Boundaries  
 S4 Safeguarded Land  
 D6 Access and Parking  
 H3 Residential Development in Main Settlements

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

**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  
 Ecological Appraisal  
 Great Crested Newt Mitigation Strategy  
 Flood Risk and Drainage Assessment  
 Care Delivery Plan  
 Services Report  
 Tree Survey  
 Statement of Community Involvement  
 Archaeological Assessment  
 Landscape and Visual Appraisal  
 Sustainability Statement  
 Waste Audit Statement  
 Transport Assessment  
 Travel Plan  
 Environmental Risk Assessment  
 Noise Impact Assessment  
 Employment Land Assessment

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Stuart West

**Appendices**

APPENDIX 1 - Conditions



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

1. Approval of details of the layout, appearance, scale, and landscaping of the development, the means of access thereto (other than the access into the site off Stanton Road) 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 4 of the 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. 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 point direct off Stanton Road. (As such details indicated on the plans accompanying the application are for illustration purposes only),

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

5. The 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.

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

Reason: To ensure a satisfactory development of the site.

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

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

8. The approved Travel Plan (ref: 20213/12-13/3525 dated December 2013) shall be implemented within one month of the first occupation of any part of the residential development. The Travel Plan measures shall relate to the entirety of the development, and reflect the phasing of occupation as appropriate.

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

9. No development shall take place until full engineering details of the design and construction of the roundabout junction access into the site, together with details of the disposal of surface water from these access works and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The access works shall be carried out in accordance with the approved details before any of the buildings it would serve are first occupied.

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

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

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

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

- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

12. 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.

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

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

14. No development approved by this permission shall commence until a programme of archaeological work has been secured based upon a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. 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.

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

Reason: To protect features of recognised nature conservation importance.

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

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

17. All development 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 CSA dated December 2013.

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

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

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

19. The dwellings constructed on site shall incorporate noise reduction measures set out in the Noise Assessment Report by MEC in respect of Land off Wolverhampton Road Shifnal (ref 20213/12-13/3475) dated December 2013 with respect to double glazed windows, acoustic trickle vents/mechanical ventilation and the building fabric, to achieve good internal noise levels at night in accordance with BS8223 and WHO guidelines for community noise. The works shall be carried out/installed before each dwelling is first occupied.

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

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties. Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action
4. 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. 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."
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 Natural England should be contacted for advice.

7. 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.

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Committee and date

South Planning Committee

19 August 2014

### Development Management Report

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

**Summary of Application**

<b>Application Number:</b> 14/00493/FUL	<b>Parish:</b>	Worfield
<b>Proposal:</b> Erection of fourteen 'close care' single storey dwellings under use class C2 (nursing/residential care); estate roads and parking areas		
<b>Site Address:</b> Bradeney House Worfield Bridgnorth Shropshire WV15 5NT		
<b>Applicant:</b> Bradeney House Care Home		
<b>Case Officer:</b> Sara Jones		<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 376826 - 295771

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

1.1 The proposal involves the erection of 14 'close care' single storey dwelling units, consisting of 10 two bed units and 4 single bed units on land adjacent Bradeney House a elderly care home comprising of some 101 beds. The proposed bungalows would provide independent care associated with the residential home. The proposal includes the use of East Bradeney for communal facilities and accommodation for a member of staff. The bungalows are proposed to be constructed in pairs and arranged in a crescent, the living areas located at the front and the bedrooms to the rear facing small private garden spaces. The scheme also includes a vehicular service link to the existing home and a parking space for each unit together with space for visitor parking for each unit. The bungalows have been designed in a traditional style with rendered walls and pitched tiled roofs. The scheme proposes improving the existing site access onto the highway from Bradeney bungalow and constructing a private driveway within the site to serve each bungalow.

1.2 The term 'Close Care' generally refers to independent flats or bungalows built on the same site as a care home and is one form of specialist housing for older people that is designed to assist older people with their accommodation and support needs in later life. The key features include individual dwellings with their own front door (whether for rent , sale or on a shared ownership basis ) a scheme manager and varying levels of personal care and support available 24 hours a day for those who need it. The concept is also known as extra care, enhanced sheltered housing or assisted living.

1.3 In support of the application details have been submitted indicating how the existing bungalow would be used. The information submitted illustrates the use of the bungalow for communal purposes such as

- ☐ a hub and meeting place to hold birthday parties, anniversaries and other special occasions/events.
- ☐ a computer room, where people will be able to use computers for various reasons including Skype.
- ☐ the garden area would include picnic tables for people to sit out
- ☐ a treatment room for therapists, chiropodists etc, which could also be used as an exercise room, with low intensity equipment.
- ☐ coffee mornings.
- ☐ art classes and flower arranging.
- ☐ music and movement.
- ☐ bingo sessions, quizzes and yoga classes.
- ☐ music lessons
- ☐ lunch club service.
- ☐ Use of the facilities for in house training
- ☐ Opening hours would be 9.00 am to 6.00 pm Monday to Friday.



#### 1.4 In terms of the use of the bungalows the applicant has confirmed the following:

- ☐ The occupants of the bungalows would be required to receive a minimum of 2hrs care per week from the nursing staff of Bradeney House. This care would cover a range of care services from hygiene issues, basic nursing requirements, counselling and household assistance. This is proposed to be a condition of the lease. Bradeney House would be the freeholder of all the properties and grounds. The occupants would also be able to use the specialist facilities at Bradeney House Care home such as the assisted bathrooms and use of the Hair salon.
- ☐ All the bungalows would have 24 hour nurse call facilities to the main house.
- ☐ Under the leasehold agreement there would be a ground rent to cover general maintenance of the grounds and properties. This will include a minimum level of gardening within the private areas of each unit by the Bradeney Gardeners.
- ☐ The bungalows would only be sold to anyone over the age of 65 requiring health care plus a partner.
- ☐ If a resident wished to move then the bungalows would have to be sold back to Bradeney House, and at no time would the bungalows be sold Freehold. They would always remain part of Bradeney House.

Given the information submitted it is considered that the use of the proposed bungalows would be more akin to a C2 Use than a dwelling house (C3 Use). On this basis with the occupation controlled the proposal would not attract the need for an Affordable Housing contribution.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 Bradeney House is a care home which offers a range of palliative and complex care including nursing and dementia care. The care home has been significantly extended over the years and now forms a substantial building. The application site refers to the bungalow known as East Bradeney and its existing residential curtilage together with land to the north of Bradeney House. The site occupies a raised platform and the centre of the site is largely devoid of trees however the perimeter of the site benefits from a substantial tree belt. The site is adjoined by a number of residential properties to the north and east and is located within the Green Belt but within a group of dwellings forming the small settlement of Bradeney.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The development would represent a departure from the Development Plan. The Area 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

#### 4.1 Worfield & Rudge Parish Council – Support application.

However taking into consideration the concerns of residents of neighbouring properties, Councillors make the following important comments:

1. Consideration should be given to safety issues of the entrance/exit for vehicles from the proposed bungalows onto a very narrow and busy county road.

2. Attention should be addressed to the drainage from the development, relative to potential flooding risk from surface run off, ground water and also alluvial deposit all of which may be increased by the presence of this development.

3. Should this application be granted, W&R Councillors would wish to see instructions to the applicants that adequate screening is provided to protect the privacy of the many close neighbouring properties from this elevated site. This screening may be fencing panels in the short term. In the medium to long term the screening should ideally be native species, fairly fast growing shrub, or mature shrub (native species).

#### 4.2 SC Highways – No objections, recommend condition.

#### 4.3 SC Trees – Requests additional information to enable proper arboricultural assessment of the proposed development. Additional information submitted 20.05.2015.

Comments received (30.05.2014.) Summarised as follows:

No objection to the principle of the proposed development, but have concerns regarding the layout and the levels of shading, the overbearing presence of the trees and nuisance such as leaf litter and other tree detritus, which will be more problematic for people less able to clear it up.

Consulted on additional information received regarding the tree shadow and tree removal.

Comments received (01.07.2014.) Summarised as follows:

Accepts that the affected windows would only be directly shaded for a portion of the day but considers that the private amenity spaces would be shaded for longer. Maintains concerns regarding liveability issues associated with large trees in close proximity to the bungalows.

Comments received 22.07.2014. Summarised as follows:

Maintains concerns as to the suitability of the layout with regard to the proximity of mature trees and certain proposed dwellings. But is satisfied that the proposed development can be implemented without causing significant damage to the trees to be retained, subject to precautions and controls as described in the tree protection plan (Arbtech TPP 01).

Accepts that on balance the benefits of the proposed development may override concerns as to the future 'liveability' issues for future occupants.

- 4.4 SC Ecology – Recommends that an Ecological Assessment and bat survey should be submitted with this application.

Re-consulted on Ecological Report received 30.06.2014.  
Recommends conditions/informatives.

The bungalow on site was inspected internally and externally for signs of bats by Greenscape (2014). None were found however due to presence of gaps around roof tiles a bat emergence/activity survey was undertaken on the 17th May 2014. No emergence was observed however foraging by a common pipistrelle bat was recorded on the site. The existing bungalow is to be converted and no further bat survey work is needed on this.

- 4.5 SC Drainage – No objections recommend conditions. Additional drainage information submitted 28.05.2015.

- 4.6 SC Public Protection – Recommends informative.

- 4.7 - Public Comments

Advertised 18.02.2014. Expired 11.03.2014. Site notice displayed/dated 18.02.2014. Expired 11.03.2014. Eight letters sent 10.02.2014. Expired 03.03.2014. Advertised as a Departure (22.07.2014.) Expired 12.08.2014. Site notice displayed/dated 24.07.2014. Expired 14.08.2014.

Seven representations received two supporting application and five objecting on the following grounds:

Lack of consultation prior to the application being submitted.

Size of the development - Bradeney House has already been over developed and is out of keeping with other properties within the hamlet. The new proposed care units would double the number of properties in the hamlet.

Construction and materials proposed are not in keeping with other properties within the hamlet.

Devaluation of neighbouring properties - we all chose to pay a premium to live in this small hamlet.

This is Green Belt land.

Light and noise pollution - special consideration should be given to the type of lighting as we currently enjoy no street lighting.

Submitted drawings do not illustrate the elevation/gradient of the field - concerned about the height of the proposed bungalows and loss of existing privacy.

Screening of any proposed development has been discussed at a previous meeting with the applicant and his agent, and substantial tree planting was to be carried out this season. The only planting that has occurred is a single row of Leylandii Conifers in hedge form which can only be kept at a height of 2m, therefore will not provide a screen. On other boundaries, a double row of 60cm hedging plants have been planted right on the boundary. Both of these pose questions for future maintenance and access, and will provide insufficient screening. Consider that good screen planting would include mixed species with various heights and depths to the planting scheme. Carl Huntley (Agent/Architect) proposed planting be established prior to any development commencing.

Sewage treatment plant is of concern as the newly installed treatment plant for Bradeney House often smells of raw sewage in the area between the temporary caravan and Stratford Brook.

Increased traffic on narrow lane heavily used by commuters, farm traffic and HGVs, despite restriction signs already in place.

If the motion is approved through the new Localism Bill to re-designate such roads in order that they do not appear on Sat Nav routes, this will have very little impact as this is a well known cut through on the commuter routes.

Verges deteriorated since nursing home development.

Improved Bradeney House access would be a more suitable entry and exit point.

Accessibility - there is no footpath on the road for the 15 minute walk to Worfield, local amenities, and nearest public transport. The narrow road and blind corners make this a potentially hazardous walk.

Access to proposed development - consider that the map and photo do not portray the severity of the road, particularly to the left, towards Worfield, having used the adjacent entrance for many years. There would be increased number of vehicles using this entrance including elderly residents, (who potentially may have slower reactions) visiting family members, friends, delivery vehicles. The adjacent lane already gives access to 4 dwellings and 1 business and would be of concern being so close especially if vehicles are exiting at the same time. The recently enlarged purpose built entrance at Bradeney House would offer a far safer entrance and exit for these proposed care units.

Inaccuracies on the site plan. Garden room style extension is not shown therefore the living area of 1 Bradeney Farm Cottages is closer than shown.

Difference in ground levels means that Bradeney Farmhouse Cottages and new proposed site are lower than where the proposed buildings would stand. Accordingly the bottom of the window line (1 Bradeney Farmhouse Cottage) is significantly above the height of the 2 metre high boundary hedge. This has implications for any proposed screen planting.

Comments in support may be summarised as follows:

The recently completed renovation and extension to Bradeney House has ,as other residents have commented caused some light pollution and extra traffic, however consider that this has caused minimal disturbance and the owners/ contractors have addressed any issues when requested to do so.

The additional site-traffic is very short lived - already disturbed by farm/animal transportation on the lane.

Consider the proposal would be an asset to have such a local facility without having to travel in excess of twenty miles.

On the last development I complained about the planting and the owners dealt with it quickly. Recommend that the bulk of the planting is carried out prior to the development as with mixed variety planting all neighbours will be screened and the wildlife will benefit.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Trees  
Highway Safety  
Residential Amenity  
Ecology  
Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Policy CS11 of the adopted Core Strategy recognises that there is a need to provide a mix of residential accommodation across the County. This ranges from open market housing to housing required for a vulnerable person. The policy states that housing for vulnerable people should be provided in appropriate locations and where there is an identified need.

6.1.2 This scheme is would extend the range of accommodation provided by an established nursing home, and as such has historically already been recognised as being an appropriate location for such a use.

6.1.3 The site is located in the green belt countryside some 1 kilometre to the west of the village of Worfield, as such policy CS5 of the Core Strategy is of relevance. This policy supports new development where it will enhance countryside vitality and

character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where it relates to small-scale new economic development diversifying the rural economy. The policy goes on to support, “the retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate”.

- 6.1.4 The National Planning Policy Framework confirms that the construction of new buildings represents inappropriate development in the Green Belt and that as with previous Green Belt policy inappropriate development is, by definition harmful to the green belt and should not be approved except in very special circumstances. Para.89 lists exceptions to this policy which include “limited infilling in villages, and limited affordable housing for community needs under policies set out in the Local Plan.”
- 6.1.5 Saved Bridgnorth District Local Plan S3 generally reflects the guidance set out in the NPPF as it states that permission will not be given except in very special circumstances for new building other than in specified circumstances listing affordable housing for community needs as an exception.
- 6.1.6 Policy CS11 supports the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities, in appropriate locations and where there is an identified need.
- 6.1.7 The Supplementary Planning Document (SPD) advises that provision has to be made for the increasing number of elderly people in Shropshire and for other vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided.
- 6.1.8 In support of the application the applicants have submitted a Care Needs Analysis Report. The report examines the existing and future provision of housing for older people together with the demographic profile within the Catchment Area as at 2012 and projecting forward to 2017 and 2027.
- 6.1.9 The submitted Report concludes that there is a current requirement for 81 enhanced sheltered housing/extra care units within a 15 minute drive time catchment area and given the projected growth in population aged 75 years plus, this shortfall would increase to 116 units by 2017. In terms of existing supply it notes that there is a combined total of approximately 120 units within the catchment area (Enhanced Extra Care sheltered housing, McCarthy and Stone, Salop Street, Bridgnorth and an Extra Care scheme, Chillcott Gardens, Madeley, Telford, operated by Coverage Care which is on the edge of the catchment area).
- 6.1.10 In support of the application the SC Head of Social Care Service: Improvement and Efficiency has confirmed the following:

“that the demographic nature of the population in the County will see a marked rise in the number of people aged 65 and over and an increase in the number of people over 80 that is significantly greater than the England average.

Shropshire Council aims to support older people to remain in their own home as long as possible and the provision of Extra Care accommodation supports this. Older people who require care do not always require admittance to a care home. People thrive better in their own home closer to friends, family and local communities.

The concept of extra care or close care when it is situated near to a care home is intended to help older people enjoy greater independence and well-being by giving them a greater range of housing and care options from which to choose. Extra Care housing helps to reduce loneliness, depression, ill-health and promote longevity.

Furthermore it also helps divert older people from moving into residential care and where present, gives Shropshire the opportunity to reinvest resources into preventative services. For this reason Extra Care and close care are increasingly being seen as very appropriate forms of providing housing with care for older people.

The planned Extra Care scheme in Shropshire to provide 400 Extra Care units was unfortunately withdrawn in 2010. This has consequently put greater pressure on the need to provide this form of housing with care in Shropshire.

We therefore welcome more Extra Care units, including those that can be developed in conjunction with existing care homes, including in South Shropshire where there is a particular shortage of this type of accommodation for older people.”

6.1.11 It is acknowledged that the benefit of ‘Close Care’ schemes is their linkage to the services provided by the existing care home. The significant growth in the over-65 population will necessitate a need for additional specialised homes. As such it is considered that there is a need which would amount to “very special circumstances” of significant weight which would outweigh the harm to the Green Belt.

6.2 Siting, scale and design of structure

6.2.1 As stated above the scheme proposes the erection of 14 small semi-detached bungalows of a simple traditional design arranged in a crescent pattern. The bungalows would have a roughly ‘L’ shaped plan and have been designed to have two bedrooms and basic accommodation with the living space to the front of the properties looking out onto the crescent to promote the communal nature of the use. The bungalows would have simple pitched roofs and the external materials proposed would be coloured rendered walls to reflect those of the existing nursing home and twin interlocking concrete tiles. The design of the proposed bungalows is considered acceptable within the existing context.

6.3 Trees

6.3.1 The centre of the site is largely devoid of trees however the perimeter of the site benefits from a substantial tree belt which it is considered contributes significantly to the character and visual amenity of the area.

- 6.3.2 In support of the application the applicant has surveyed the trees within the site using a methodology guided by British Standard 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. Subsequently, a report has been produced, balancing the layout of the proposed development against the competing needs of trees. The report comprises an arboricultural implications assessment, method statement and supporting plans.
- 6.3.3 The report concludes that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site would not be adversely affected as a result of the proposed development, subject to appropriate conditions.
- 6.3.4 The SC Arboriculturalist has reviewed the information submitted and whilst he does not raise objections in principle of the proposed development, has significant concerns regarding the impact of the trees on the living conditions of the occupiers. He considers that the bungalows would suffer from excessive levels of shading, and the size of the retained trees would give the appearance of a dominant green wall when viewed from the windows of the units.
- 6.3.5 Further he considers that the overbearing presence of the trees would be a cause of concern and worry and that this would be exacerbated by nuisance issues such as leaf litter and other tree detritus, which would be more problematic for people less able to clear it up.
- 6.3.6 This issue has been raised with the applicant and it has been suggested that the applicant may wish to consider revising the scheme to address this issue.
- 6.3.7 The applicant has pointed out that the software used for the shadow information is not seasonal and does not take into account the low sun angle in the morning and evening or the high sun angle at mid-day (which should show a more wide and squashed arc in reality). They point out that other factors should be considered including that all the trees causing shadows are deciduous so there should not be an issue of shading from November to April; that the arch that is shown indicates the path of the sun throughout the day, it is therefore possible to calculate (as below) the times of day that shading would occur. Each window falling within an arc is therefore only shaded for about an hour.
- 6.3.8 Further they note that tree shading during the midday hours in the summer is usually an asset as it reduces overheating of internal spaces and that this reduces the need to provide solar shading on south facing windows; all the rooms that would be shaded for an hour each day would be bedrooms and that only one living room (unit 4) would have shading between around 8am and 9am. The applicant concludes that the option of rearranging the units so that they face the other way, closer to the existing bungalow has been considered but in operational and social terms it would not work.
- 6.3.9 The Council's Arboricultural Officer has considered the additional information submitted and accepts that the affected windows will only be directly shaded for a



portion of the day. However, the concern is that the private amenity spaces (gardens) of the dwellings would be shaded for considerably longer.

6.3.10 Further the Councils Arboricultural Officer is concerned about the “liveability issues” associated with large trees in close proximity to single storey dwellings, particularly given the age and likely health of the intended occupants and the fact that the trees concerned include sycamore, sweet chestnut and horse chestnut, which have dense, dark canopies and a heavy leaf fall in autumn and also shed prolific fruits and seed.

6.3.11 With respect to this it is acknowledged that the proximity of the trees to the bungalows may not be ideal however the applicant has confirmed that under the leasehold agreement there would be a ground rent to cover general maintenance of the grounds and properties and that this would include a minimum level of gardening within the private areas of each unit by the Bradeney Gardeners. On balance it is considered that the benefits of the provision of additional specialist accommodation outweigh the concerns as to the future ‘liveability’ issues for future occupants.

#### 6.4 Highway Safety

6.4.1 The scheme proposes utilising and improving the existing site access to East Bradeney onto the highway and the construction of a private driveway within the site to serve each bungalow. The Councils Highways Development Control Section have been consulted on this application and have confirmed that due to the nature of the proposed use of the bungalows, the vehicle movements generated by their occupants are likely to be lower than those associated with normal residential dwellings. Further it is considered that the improvement to the existing access would make it acceptable to accommodate the likely vehicle movements, details of the arrangements for refuse collection are considered below.

#### 6.5 Residential Amenity

6.5.1 As noted above representations have been received regarding the proximity of the proposed development to the existing neighbouring residential properties. With respect to this it is noted that the site occupies a raised platform and the existing neighbouring residential properties are located on land which is at a significantly lower level. The applicant has submitted amended drawings which indicate the contour levels of the site together with the approximate finished floor levels of the proposed bungalows and sections. The scheme would include some levelling to accommodate the development. The existing perimeter trees provide a significant contribution to the character and visual amenity of the site and whilst it is acknowledged that the proposed development would inevitably have an impact on the character of the site the single storey nature of the development would serve to reduce the impact on the surroundings. In terms of the proximity of the bungalows to the existing nearby dwellings it is accepted that the difference in ground levels would increase the impact of the development however it is considered that the orientation of the bungalows, the retention of a significant number of the perimeter trees and the separation distances involved would ensure that, together with appropriate fencing no undue loss of residential amenity would ensue.

## 6.6 Ecology

6.6.1 In support of the application the applicant has submitted an Ecology Report. With respect to this it is noted that the existing bungalow on site was inspected internally and externally for signs of bats. None were found however due to presence of gaps around roof tiles a bat emergence/activity survey was undertaken on the 17th May 2014. No emergence was observed however foraging by a common pipistrelle bat was recorded on the site. The report concludes that as the existing bungalow is proposed to be re-used no further bat survey work is needed on this.

6.6.2 With respect to the surrounding trees the applicants' ecologist, Greenscape (2014) consider that the trees have potential for use by bats for foraging and commuting. One bat activity survey was carried out in May, which found low levels of bat activity. No assessment of bat roosting potential of the trees to be removed has been carried out; however, the Councils Planning Ecologist recommends that an appropriately worded condition requiring the trees to be assessed before felling would be sufficient in this case.

6.6.3 In view of the above the Councils Planning Ecologist raises no objections to the proposal subject to appropriate conditions.

## 6.7 Drainage

6.7.1 The information submitted with the application stated that the existing foul drainage to Bradeney House is treated by a new treatment plant and that a new combined treatment plant is proposed for the 14 units proposed. The surface water is proposed to be accommodated via a suitably designed soakaway.

6.7.2 Additional drainage information was submitted during the course of the application which includes the use of a surface water attenuation system as it was demonstrated through porosity tests that soakaways cannot be used for the surface water drainage.

6.7.3 This has been reviewed by the SC Drainage Team who whilst raising no objection in principle make recommendations regarding the size of the package sewage treatment plan and details with respect to the surface water drainage arrangements. It is considered that these details may be controlled by the inclusion of suitably worded pre-commencement conditions.

## 6.7 Other issues

6.7.1 Clarification was sought with respect to how refuse collection would be achieved and if a refuse vehicle has to enter the site how it would turn around in order to exit. The applicant has confirmed that each unit would be provided by the Councils standard bins for refuse and recycling. Refuse storage is indicated on the detail plan (BA726 304). It is understood that on collection days, the refuse vehicle goes down the lane to the side of the site to access all the surrounding properties. The refuse from the proposed dwellings would be collected where it is currently collected from East Bradeney House (the bungalow on the site). The applicant has confirmed that all bins would be taken to the top of the drive for collection when the vehicle does its current collection.

## 7.0 CONCLUSION

7.1 The benefit of 'Close Care' schemes is their linkage to the services provided by the existing care home. The significant growth in the over-65 population will necessitate a need for additional specialised homes. As such it is considered that there is a need which would amount to "very special circumstances" of significant weight which would outweigh the harm to the Green Belt. Likewise the benefits of the provision of additional specialist accommodation outweigh the concerns as to the proximity of the perimeter trees proposed to be retained and the future 'liveability' issues for future occupants.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Shropshire Core Strategy and Saved Bridgnorth District Local Plan Policies:

CS1 Strategic Approach

CS3 The Market Towns and Other Key Centres

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

S1 Development Boundaries

S3 Green Belt

D6 Access and Car Parking

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

09/03076/COU Application under Section 73a of the Town and Country Planning Act 1990 for siting of 2 No. residential caravans for a period of 12 months (Retrospective)  
GRANT 10th May 2010

10/00245/DIS Extension and alteration of existing Nursing Home DISPAR 3rd March 2011

BR/74/0500 The erection of a ground floor bedroom GRANT 20th May 1975

11/00081/FUL Erection of a single storey extension to provide new entrance and reception area GRANT 6th May 2011

BR/75/0102/FUL The erection of an external fire escape at the rear GRANT 30th May 1975

BR/75/0536/FUL The installation of a septic tank GRANT 3rd February 1976

BR/75/0746/FUL Change of use of existing guest house to a private home for elderly and handicapped persons GRANT 5th March 1976

BR/75/0522/FUL The use of the existing grooms quarters as living accommodation for staff GRANT 5th March 1976

BR/74/0653/FUL The use of dwelling as a guest house GRANT 20th May 1975

BR/76/0270/FUL Alterations to the building previously given permission for staff accommodation, including the installation of new and replacement windows and the part rebuilding of a single storey extension at the rear GRANT 5th July 1976

BR/81/0749 The erection of a single storey building to form five bedrooms, one staff bedsitting room, various ancillary rooms and double garage and workshop GRANT 19th January 1982

BR/82/0328 Alteration to existing access and construction of driveway REFUSE 5th September 1982

13/04898/FUL Retention of existing caravan for a further temporary period of 18 months for use as staff accommodation GRANT 18th March 2014

BR/APP/FUL/09/0141 Alterations including the addition of a conservatory, single, two and three storey extensions and installation of a sewage treatment plant GRANT 19th August 2009

BR/APP/FUL/09/0001 Siting of two mobile homes for a temporary period GRANT 5th March 2009

BR/APP/FUL/07/0970 External alterations and erection of a conservatory GRANT 28th February 2008

BR/89/1182 RENEWAL OF PLANNING PERMISSION REF. B84288 APPROVED 19.12.84 FOR THE ERECTION OF A COVERED SWIMMING POOL GRANT 8th January 1990

BR/89/0976 REBUILDING OF DERELICT FORGE BUILDING FOR USE FOR STORAGE IN CONNECTION WITH THE ADJOINING ELDERLY PERSONS HOME GRANT 3rd November 1989

BR/89/0813 ERECTION OF MANAGERS BUNGALOW REF 3rd October 1989

BR/86/0139 ERECTION OF DOMESTIC UNIT FOR OLD PEOPLE REF 8th May 1986

BR/95/0613 ERECTION OF A SINGLE STOREY BUILDING TO FORM AN ELDERLY MENTALLY ILL UNIT REF 13th November 1995

BR/94/0634 ERECTION OF SINGLE STOREY EXTENSIONS GRANT 17th November 1994

BR/78/0758/FUL The erection of a single storey side extension to the home for elderly persons to provide a dining room, sitting room, toilet and four additional bedrooms GRANT 5th December 1978

BR/79/0924 The erection of a porch to front entrance at grooms quarters GRANT 8th January 1980

BR/80/0240/FUL The erection of a three storey extension to provide two single bedrooms one double bedroom and bathroom and dining room on each floor GRANT 1st July 1980

BR/80/0737/FUL The erection of a single storey side extension to provide a dining room, bathroom and office space GRANT 4th November 1980

BR/82/0533/FUL Alterations to existing vehicular access and construction of driveway GRANT 2nd November 1982

BR/83/0351 The erection of a single storey building to form five guest bedrooms, one staff bedroom, various ancillary rooms, private double garage and workshop GRANT 29th June 1983

BR/84/0288/FUL The erection of a covered swimming pool GRANT 19th December 1984

BR/76/0180 The erection of an extension to provide two bedrooms, two bathrooms and utility room and alterations to existing bungalow GRANT 26th April 1976

BR/76/0080 The erection of a private double garage GRANT 2nd April 1976

BR/75/0647 The erection of an extension to provide a kitchen and dining room, the conversion of an existing garage and store into a bedroom and study and the erection of a private double garage GRANT 16th February 1976

#### Appeal

09/01270/REF (BR/95/0613) ERECTION OF A SINGLE STOREY BUILDING TO FORM AN ELDERLY MENTALLY ILL UNIT DISMIS 7th June 1996

**List of Background Papers**

Care Needs Analysis Report  
Design and Access Statement  
Tree Survey  
Tree Survey BS5837  
Tree Protection Plan  
Arboricultural Method Statement  
Tree Constraint Plan  
Arboricultural Impact Assessment  
Drainage Proposals Summary  
Micro Drainage details  
Ecology Report  
Use of Bungalows Letter  
Tree Shadow Plan

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Michael Wood

**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. This permission relates to the amended levels and site section plan received 29.05.2014. and proposed site plan received 23.07.2014.

Reason: To define the permission for the avoidance of doubt.

4. The accommodation hereby approved shall be occupied solely by persons 65 years and over , in receipt of a care package provided on site and any partners of those persons, or a widow or widower of such persons, unless otherwise agreed in writing with the Local Planning Authority on an individual basis. The accommodation shall be used solely for 'Close Care Accommodation' (in accordance with the details outlined in the letter dated 24.07.2014. submitted by the applicant ) in association with the use of Bradeney House as a Care Home and the freehold interests shall not be disposed of separately from Bradeney House.

Reason: The development is only acceptable for 'close care' accommodation associated with the existing nursing home and the occupancy of the units as independent dwelling units would be contrary to the Development Plan policies for development in the Green Belt.

5. The proposed development shall be used solely for the purpose of Close Care Units, in association with the use of Bradeney House as a nursing/residential care home, and for no other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

Reason: The development is only acceptable for 'close care accommodation' associated with the existing nursing/residential care home.



6. The development hereby approved shall be constructed in accordance with the proposed levels as shown on drawing No. 305 Rev A received 29.05.2014. unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual and residential amenity of the area

7. All planting, seeding or turfing comprised in the approved details of landscaping hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenities of the area.

8. 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 and in the interests of the visual amenities of the area and to assess any impact upon amenity of adjoining occupiers.

9. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday nor before 07:30 hours or after 18:00 hours Monday - Friday, or on any Saturday before 08:00 hours or after 13:00 hours unless otherwise agreed in writing with the Local Planning Authority.

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

10. The existing site access onto the highway shall be modified in accordance with the approved drawing prior to the development hereby approved being first brought into use.

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

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

11. 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.

12. Prior to the commencement of development, the tree works and tree protection measures as detailed in the Arboricultural Impact Assessment (Arbtech AIA01, May 2014), the Tree Protection Plan (Arbtech TPP01, May 2014) and Arboricultural Method Statement (Arbtech AMS01, 13 May 2014) shall be carried out / installed to the written satisfaction of the Local Planning Authority. Thereafter the development shall be implemented strictly in accordance with these documents and plans.

Reason: To protect trees which contribute to the character and appearance of the site from damage during development.

13. Prior to commencement of development a landscaping/planting plan shall be submitted to and approved in writing by the Local Planning Authority, detailing the species, numbers, locations, sizes, means of protection and support, timescale for planting and means of post-planting maintenance of trees and shrubs to be planted to enhance the development. Planting is to be undertaken in accordance with this plan and any tree or shrub which within a period of three years from planting becomes diseased, dies, or is otherwise lost or destroyed, shall be replaced by another of similar type and specification.

Reason: To enhance the development and contribute to long-term continuity of tree cover at the site.

14. No development, demolition or site clearance procedures shall commence until any tree to be removed has been assessed for potential bat roost habitat as described in The Bat Conservation Trust's Bat Surveys - Good Practice Guidelines (2nd Edition 2012) by a licenced bat ecologist and their subsequent recommendations on felling methods complied with.

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

15. Before development commences and notwithstanding the drainage details submitted full details of the design calculations and plan of the proposed surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority, to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. The drainage scheme shall be installed in accordance with the approved details.

Reason: To ensure that any such flows are managed on site to reduce the risk of flooding elsewhere.

16. Before development commences and notwithstanding the drainage details submitted full details of the sizing of the proposed package treatment plant should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 3 should be used to determine the sizing of the package sewage treatment plant and drainage fields.

Reason: To ensure the foul water drainage system is suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding and pollution.

17. Prior to commencement of development details (method of construction and surface water drainage arrangements) of the proposed ramp linking the nursing home to the accommodation hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The access ramp shall be constructed in accordance with the approved details before the accommodation hereby approved is first occupied.

Reason: To ensure that the surface water arrangements are managed on site to reduce the risk of flooding elsewhere and to protect trees which contribute to the character and appearance of the site from damage during development.

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

18. Prior to the first occupation of the buildings hereby approved details of two 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

19. Prior to the first occupation of the buildings hereby approved details of five 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.

### **Informatives**

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

Central Government Guidance:  
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  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
S1 Development Boundaries  
S3 Green Belt  
D6 Access and Car Parking

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. 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 work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

5. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

6. To ensure that any such flows are managed on site the gully spacing and the 150mm diameter carrier drain should be reviewed. 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. Please confirm where the exceedance flow will be stored prior to entering the attenuation system.
7. For the sizing of the package sewage treatment plant, British Water Flows and Loads: 3 should be used to determine the number of persons for the proposed development i.e. for up to 3 bedroom dwelling, the population equivalent should be 5 not 4.
8. In order to make the properties ready for EV charging point installation isolation switches should be connected so that a vehicle may be charged in the garage or driveway. 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.

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Committee and date

South Planning Committee

19 August 2014

## Development Management Report

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

**Summary of Application**

<b>Application Number:</b> 14/00622/FUL	<b>Parish:</b>	Albrighton
<b>Proposal:</b> Change of use of existing detached swimming pool building within the grounds to Field House into 1no. dwelling to include extension over existing roofed patio to create additional internal habitable space		
<b>Site Address:</b> Field House Beamish Lane Albrighton Wolverhampton WV7 3JJ		
<b>Applicant:</b> Mr & Mrs M L Sahni		
<b>Case Officer:</b> Lynn Parker		<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 382490 - 304038

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**Recommendation:- Permit, subject to a Section 106 Agreement relating to an affordable housing contribution and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is for the change of use of a detached, 2 storey swimming pool building ancillary to Field House, Beamish Lane, Albrighton to form an open market dwelling and to include the enclosure of an existing patio on the north facing elevation of the dwelling. The 'filling in' of the patio will replicate the appearance of the existing north facing elevation. Accommodation is proposed to remain as existing at ground floor level i.e. to comprise the swimming pool and gym. At first floor level a kitchen, living room, dining room, master bedroom with walk-in wardrobe and ensuite, bedroom 2 with walk-in wardrobe and ensuite, and bedroom 3 with ensuite are proposed. The dining room and bedroom 3 will be located within the enclosed patio section.

1.2 All materials are proposed to match those of the existing dwelling including brick, tiles and double glazed windows/doors. Foul sewage is proposed to the existing package treatment plant and surface water to soakaway/SUDs. The applicant intends to improve the 'green' credentials of the building by introducing a number of solutions such as solar panels and rainwater harvesting. No alterations are proposed to the access which is to the south side of the site off High House Lane and was altered under Planning Ref: 11/03904/FUL granted on 1<sup>st</sup> February 2012. No trees or hedges are affected by the development.

1.3 In addition to the Planning Statement dated February 2014, a Transport Assessment dated October 2013 has been submitted in support of this application and is summarised as follows:

#### Transport Assessment dated October 2013

Concludes that both the existing use of the building, and the proposed change of use to a single residential property only generates low use of the access. Implementing the suggested amended access arrangement would minimise the impact of the protected Oak tree on visibility for drivers leaving the site. The proposal is acceptable in highway safety terms.

1.4 The existing building was constructed under permitted development rights and granted a Lawful Development Certificate under Planning Ref: BR/APP/LDCE/04/0728 on 31<sup>st</sup> August 2004 for 'the erection of a detached outbuilding to provide a swimming pool and changing facilities for purposes solely incidental to the enjoyment of the adjacent dwelling'. The building has been primarily used by the applicant's children who will shortly leave for university and there is no longer a requirement for such a large home. The division between the plots has been selected to follow a natural line between Field House and the outbuilding where there is a change in ground level. The existing tennis courts to the west of the outbuilding will be allocated to the new dwelling.



- 1.5 An Affordable Housing Contribution Proforma has been submitted agreeing to pay a contribution of £13,500 as the internal floorspace is identified as being over 100m<sup>2</sup> (0.15 x 100m<sup>2</sup> x 900 = £13,500) and the current prevailing target for this area is 15%.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site falls within open Green Belt countryside on the eastern side of the Market Town of Albrighton but in proximity to the village development boundary. The area is characterised by large detached properties, the majority of which are 2 storey, in generous plots which span the distance between Beamish Lane to the north and High House Lane to the south, on average approximately 65m, although the Field House plot is 135m in depth. Field House is the most easterly of these plots flanked by the A41 along its eastern boundary although access cannot be gained from this road. The land slopes downwards from the north where more level ground allows for the siting of the dwellings, to the south.

- 2.2 The outbuilding proposed for change of use is positioned directly and approximately 45m to the south of the dwelling and is a split level building due to slope of the land. Whilst its appearance is of a two storey property when viewed from the south, it is single storey from the north with access being straight into the first floor from the patio. The patio to be enclosed already benefits from being underneath the main roof and is currently supported by pillars. The existing plot is has established vehicular accessed from both Beamish Lane and High House Lane. Both side boundaries are defined by mature landscaping, to the eastern side there is a wooded area which forms a barrier separating the plot from the A41. The southern boundary comprises timber fencing extending into mature native hedging containing some trees.

- 2.3 Other than Field House, the closest neighbouring property is to the north west of the outbuilding. This dwelling is 2 storey, approximately 45m away and set at a higher level adjacent to Beamish Lane.

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

- 3.1 Applications requested to be referred, but 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 on 6<sup>th</sup> March 2014 objected to planning application 14/00622/FUL on the grounds that it was development within the Green Belt. There were also access problems to the proposed property despite recent alterations.

- 4.1.2 SC Drainage - Standard advice supplied in relation to the encouragement of measures listed to minimise the risk of surface water flooding.

4.1.3 SC Affordable Homes - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.2 - Public Comments

4.2.1 One letter of representation has been received from the neighbour adjacent to the north west which is available to view in full on file, but précised as follows:

- o The proposed development is within the Green Belt.
- o The Council has for many years resisted the development of land in Beamish Lane on Green Belt grounds.
- o The need for further housing in Albrighton is already being met within the village.
- o The applicants children leaving home could not have been unexpected and was relevant when the outbuilding was originally constructed.
- o This proposal amounts to development by the back door.
- o If the Council were to allow this proposal it would open the floodgates to similar proposals throughout the County.

## 5.0 THE MAIN ISSUES

- o Principle of development
- o Visual appearance
- o Impact on the surrounding Green Belt countryside
- o Impact on neighbours/residential amenity.
- o Access

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is positioned in open countryside outside of any development boundaries designated under existing or 'saved' planning policies where open market housing would not normally be permitted. Under LDF Core Strategy Policy CS5 – Countryside and Green Belt, new open market residential development is not considered acceptable within the countryside unless for affordable, an essential worker's dwelling or conversion of a building of historic merit, on appropriate sites which maintain and enhance countryside vitality. Whilst the building is existing and proposed as an open market dwelling, it cannot be regarded as a heritage asset, nor would it be suitable as an affordable dwelling due to its large size. However, the agent presents the case that housing plays an important role in creating a sustainable community in rural areas and that the use of a building already in situ and already in domestic use, a scenario not covered by Policy CS5, can contribute towards the essential housing stock without requirement for any additional built environment or giving rise to perceivable harm, albeit not a heritage asset. He also considers that a high level of sustainability is achieved in this case as no new built environment or significantly different use is being instigated. Additionally, he states the alternative uses which are considered acceptable under Policy CS5 are not felt to be viable due to the nature of the building and its location: The building is not situated such that it would be suitable as an agricultural dwelling, nor could it sensibly serve any other agricultural related purpose, nor would a commercial use

be appropriate in this domestic garden context. Similarly it is his view that neither a community use nor a tourism use would be appropriate in such a location.

6.1.2 The National Planning Policy Framework must be taken into account and is a material consideration of significant weight in determining planning applications. At paragraph 12 of the NPPF it is stated 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 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 impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole;
- 2) Specific policies in the NPPF indicate that development should be restricted.

Paragraph 47 sets out a number of steps that Local Planning Authorities should take to boost significantly the supply of housing. 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.'*

6.1.3 These paragraphs are highly significant as at the time of submission of this planning application because Shropshire Council had published an updated Five Year Housing Land Supply Statement for Shropshire and Shrewsbury (20-09-13). The update was 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 showed that as of 1<sup>st</sup> April 2013, there was less than a 5 year supply of housing land. Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.4 It is clear from recent parliamentary debate 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 full weight cannot be given to the emerging SAMDev Plan housing policies in the decision on this planning application at this time. This factor also affects the weight which can be given to the policies relating to housing in the Albrighton Neighbourhood Plan 'Light' (June 2013): Consideration must be focused on the sustainability of the site and proposal, and whether there is any significant and demonstrable harm to outweigh the benefits of the development contributing to housing land supply.
- 6.1.5 The outbuilding itself is felt to be in a sustainable location adjacent to existing dwellings and approximately 415m from the current eastern extent of the Albrighton Development Boundary. While the age of the building means that it does not constitute a 'heritage asset', it is considered that the supporting comments made by the agent, set out in paragraph 6.1.1 above are pertinent and would point to independent residential use as an appropriate re-use of the building. Therefore it is felt that on balance and in this specific case, where full weight cannot yet be attributed to the SAMDev Final Plan housing policies, the proposed change of use to an open market dwelling of this existing building located in proximity to the village development boundary of Albrighton, is acceptable.
- 6.1.6 Green Belt policies within the NPPF, LDF Core Strategy Policy CS5 and Bridgnorth and District Local Plan 'Saved' Policy S3 require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Inappropriate development is, by definition, harmful to the Green Belt and support is not given to such proposals except in very special circumstances. Certain forms of development which are not inappropriate include the re-use of buildings provided that the buildings are permanent and substantial construction. Therefore the re-use of this existing outbuilding where the footprint is not being increased is not considered to be inappropriate development within the Green Belt as no greater impact on its attributes will occur from the proposed change of use to an open market dwelling.
- 6.1.7 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.

## 6.2 Visual appearance

6.2.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built 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 built, historic and natural environment and does not adversely affect the values and function of these assets.

6.2.2 There is no significant change to the scale of the outbuilding for its new use, as the patio area to be infilled is already located underneath the main roof, nor to its appearance as the new north elevation will replicate that of the existing. Therefore the visual appearance of the building within its environment will remain neutral.

## 6.3 Impact on the surrounding Green Belt countryside

6.3.1 As discussed above in paragraph 6.1.6 it is considered that the proposed development will have no greater impact on the openness of the surrounding Green Belt Countryside as the building already exists and there is no increase to its footprint or size outside the confines of the existing elevations.

## 6.4 Impact on neighbours/residential amenity

6.4.1 The outbuilding is located to the south and at a lower level than the line of dwellings along Beamish Lane, however the parcel of land inbetween Beamish Lane in the north and High House Lane in the south is roughly triangular with the wider end adjacent to the A41. The outbuilding is therefore positioned in the wider part of this section of land where it does not adversely impact on the existing pattern of residential development because it relates to and compliments the triangular shape.

6.4.2 The space between the building proposed for residential and the neighbouring properties is sufficient for any impact either from overbearing or overlooking to be minimal and certainly no greater than the existing potential. Additionally, all of the neighbouring dwellings including Field House are set at a higher level and are therefore more likely to have views into the new plot than there could be from it.

## 6.5 Access

6.5.1 Improvements to the existing access to the site from High House Lane, which will serve the proposed dwelling, were agreed under Planning Permission Ref: 11/03904/FUL. SC Highways commented during the consideration process of that application that they raised '*no highway objections in principle to the revision of the access arrangement to serve its existing use, but for any intensified vehicle movements through it an improvement to visibility would be required*'. Essentially, the access is deemed unsuitable for a further dwelling or development of the land. This proposal does not intensify or develop the land further than already exists. The access currently serves a single dwelling at Field House and on change of use of the existing outbuilding to a dwelling, the access will continue to serve a single dwelling, albeit a different dwelling, any access through to Field House being

prevented by the separation of the new plot. The existing access is therefore suitable to serve the proposed dwelling.

## 7.0 CONCLUSION

7.1 The site is a sustainable location for the conversion of a building to a dwelling in the context of housing supply. While the age of the building means that it does not meet the normal 'heritage asset' requirement for the conversion of buildings to independent permanent residential use, it is regarded as unsuitable for alternative uses listed in Core Strategy policy CS5. Additionally, the re-use of the existing building would not be inappropriate development in the Green Belt and would have no greater impact on the attributes of the surrounding Green Belt countryside than the current use of the building. The conversion of this existing swimming pool building to a single residential property set in a generous sized plot with existing suitable vehicular access, would not detract from the visual amenity or character of the surrounding environment, nor unduly harm the amenities of neighbouring residential properties.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
S3 Green Belt  
D6 Access and parking

SPD on Type and Affordability of Housing  
Shropshire Five Year Housing Land Supply Statement - 1st September 2013 (Amended Version 20th September 2013)

RELEVANT PLANNING HISTORY:

11/03904/FUL – Alterations to existing vehicular access (onto High House Lane) to include erection of 2m high gates/piers and 1m boundary wall. Granted 1<sup>st</sup> February 2012.

BR/APP/LDCE/04/0728 – Erection of a detached outbuilding to provide a swimming pool and changing facilities for purposes solely incidental to the enjoyment of the adjacent dwelling. Permitted Development 31<sup>st</sup> August 2004.

BR/99/0474 – Erection of extensions. Granted 11<sup>th</sup> August 1999.

BR/98/0594 – Erection of a front porch, single storey side extension with pitched roof, single storey rear extension and conservatory. Granted 6<sup>th</sup> October 1998.

BR/98/0265 – Erection of a detached four car garage to replace existing garage buildings. Granted 1<sup>st</sup> June 1998.

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

Planning Statement dated February 2014

Transport Assessment dated October 2013

FBC Manby (Agent) Letter dated 4<sup>th</sup> April 2014

FBC Manby (Agent) Letter dated 7<sup>th</sup> May 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 THAT REQUIRES APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. 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

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

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

4. The external materials shall match those of the existing building and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

5. 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

- 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.

### **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](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

3. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
4. 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.
5. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and 'Saved' policies  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
S3 Green Belt  
D6 Access and parking

SPD on Type and Affordability of Housing  
Shropshire Five Year Housing Land Supply Statement - 1st September 2013 (Amended Version 20th September 2013)

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

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<u>Committee and date</u>
South Planning Committee
19 August 2014

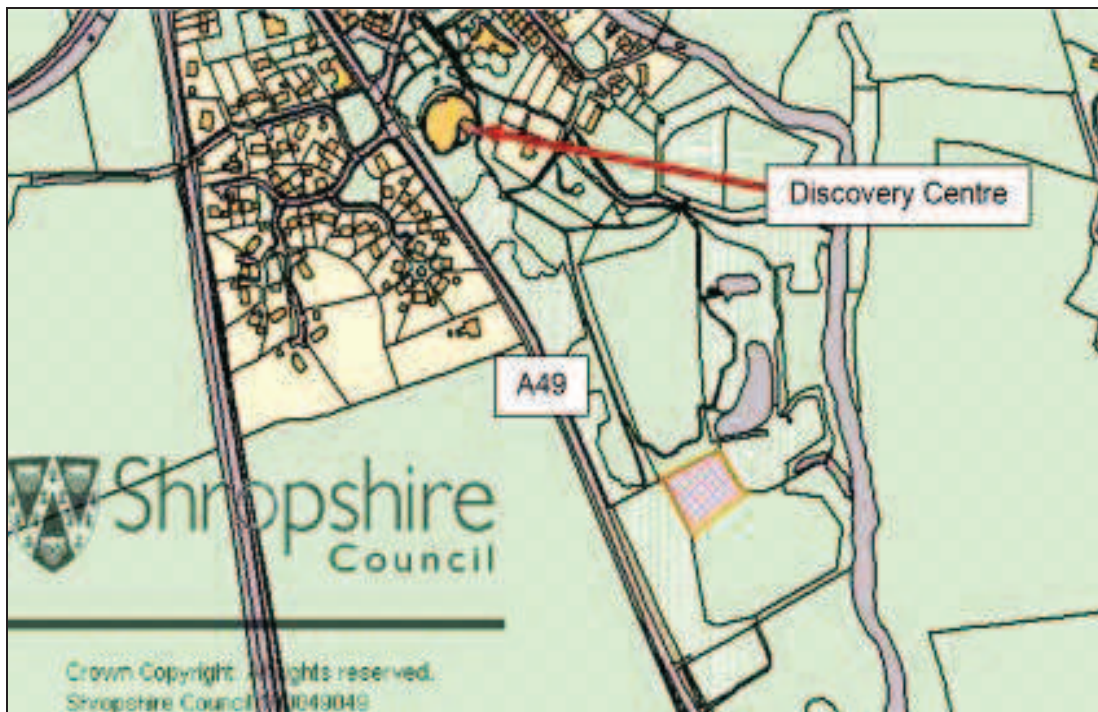
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/01979/FUL	<b>Parish:</b>	Craven Arms
<b>Proposal:</b> Erection of bird hide and fencing to form red kite feeding area		
<b>Site Address:</b> Land At Secret Hills Discovery Centre Market Street Craven Arms Shropshire SY7 9RS		
<b>Applicant:</b> Mrs Laura Harvey		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 343491 – 282465



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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 seeks full planning permission to erect a bird hide within an area enclosed by 2.4-metre high wire mesh fencing. The purpose is to provide visitors to the Shropshire Hills Discovery Centre with an opportunity to view red kites.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site forms part of the Onny Meadows Country Park on the southern fringes of Craven Arms. These riverside water meadows are associated with the Discovery Centre to the north, and have surfaced paths providing public access around the fields, pools and woodland. The A49 trunk road runs a short distance to the west.

### 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 Under the Council's adopted 'Scheme of Delegation' the application must be determined by the planning committee because the site is currently owned by the Council and the development is unrelated to its statutory functions.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee comments

##### 4.1.1 Shropshire Council Flood and Water Management – comment:

Since the site is within the high risk flood zone (3) the floor of the bird hide should be set above any known flood level, or else the building should be relocated.

##### 4.1.2 Shropshire Council Historic Environment (Archaeology) – no objection:

No comments in respect of archaeological matters.

##### 4.1.3 Shropshire Council Public Protection – no objection:

Members of the public have raised concerns over the spreading of meat to feed the kites, and the potential for this to be dropped further afield and left to rot. However, it is anticipated that any small amount of feed not taken by the birds would be consumed by other animals within a short period of time.

- 4.1.4 The activities proposed are also unlikely to result in any significant increase in pests in the general locality, bearing in mind that pests such as rats will be present already as is to be expected in any rural setting. Furthermore, any increase in the number of birds is unlikely to have any effect on crop production or the suitability of the crop to be used in the human food chain since the increase would be low in relation to the current total population, and because food businesses are already aware that crops may be soiled and require appropriate treatment. This aspect is covered by Food Safety and Standards legislation and therefore needs no further consideration through the planning process.

##### 4.1.5 Environment Agency – comment:

The application does not appear to trigger the need for direct consultation with the Environment Agency. However, because the site falls within Flood Zone 3 of a main river, the appropriate standing advice and comments from the Council's own Flood and Water Management Team should be taken into account.

- 4.1.6 Shropshire Council Highways Development Control – no objection:  
All vehicular access would be via the existing entrance to and car park at the Shropshire Hills Discovery Centre, and the scheme would have no adverse effect on any County roads. However, since the site is bounded on one side by the A49, it may be appropriate to seek the views of the Highways Agency.
- 4.1.7 Highways Agency - no objection:  
It is not anticipated that the proposed feeding station would raise any issues in relation to the strategic road network.
- 4.1.8 The feeding location would be some distance from the A49 and screened from view. Any sightings of the kites from the road would be as they soar above the landscape on thermals, and they would appear similar to the buzzard which is commonly seen along trunk roads and motorways. It is also understood that the national red kite population is growing thanks to a successful breeding and release programme.
- 4.1.9 No details of anticipated visitor numbers have been provided, but there is no proposal to provide additional parking at the Shropshire Hills Discovery Centre and the nature of the proposal is unlikely to attract vast numbers of people.
- 4.1.10 Shropshire Council Ecology – no objection:  
Given the small scale of the development and the fact that the area is used for public recreation already, application of Natural England's 'Rapid Risk Assessment Toolkit' reveals that the risk of an offence being committed in respect of great crested newts is highly unlikely. As such no ecological surveys are required, although as a precaution informatives should be included in respect of working practices and the newts' legal status.
- 4.2 **Public comments**
- 4.2.1 Four members of the public object on the following grounds:
- Distorting the natural local population of these birds would be exploitation of a wild, protected species for commercial gain. Whereas existing feeding stations in Wales were established at a time when kite populations were dangerously low, this is no longer the case and the population here is now higher than could be sustained naturally. Meanwhile the population in south Shropshire is increasing already without assistance.
  - It will not be possible to limit the number of kites as claimed, since 25 additional well-fed adult birds will inevitably result in many chicks being reared each year.
  - The volunteers behind the project may not have the will or resources to continue feeding the birds long-term, 365 days a year, even when the Discovery Centre itself may be closed. Large scavenging raptors like kites quickly become wedded to a feeding station and will soon be arriving at feeding times regardless of whether or not food is available. It is ecologically unsound to aim to feed birds irregularly.
  - Kites may be forced to find food from other sources, e.g. scavenging from gardens and the local schoolyard. They are also known to eat curlew and lapwing chicks, both of which are threatened and declining species, and may have an impact on other bird species at Onny Meadows.

- Concerns over the type of food to be used to attract the kites, where this will come from, whether adequate supplies are in place, and whether the relevant authorities have been contacted regarding spreading meat in the open.
- As soon as food stocks run low feeding behaviour will become more aggressive, resulting in meat unfit for human consumption being dropped in surrounding fields and gardens, as well as across the planned community allotments within Onny Meadows. This will attract rodents and scavenging birds, which will also defecate over these areas.
- Meat dropped by the kites would also pose a danger to dogs and other household pets.
- Notwithstanding the consultee comments regarding highway safety, in Wales drivers parking on the roadsides to watch kites cause an obstruction.
- The site notice has been erected within Onny Meadows itself, rather than alongside the Discovery Centre where the general public would have seen it.

## 5.0 THE MAIN ISSUES

- Principle of development
- Design and landscape impact
- Ecology
- Residential amenity and public health
- Highway safety
- Flood risk
- Procedural matters

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Core Strategy Policy CS16 supports new and extended tourism, cultural and leisure development in appropriate locations, particularly where it would enhance the role of market towns and/or promote connections between visitors and the natural environment. In this case the site is peripheral to one of south Shropshire's larger, 'sustainable' settlements. Comprehensive visitor facilities are available already within the adjacent Discovery Centre, and the proposed scheme would complement the aim for this popular attraction to explore the interaction of man with the produce, heritage and landscape of the Shropshire Hills. The use of the Onny Meadows themselves for recreational purposes coupled with nature conservation is also well established, and for these reasons the bird hide and associated development are considered acceptable in land-use terms. The 'need' for the scheme in conservation terms is not a planning matter, and it should also be noted that bird-feeding displays would not in themselves require planning permission.

### 6.2 Design and landscape impact

6.2.1 The hide would be a small (4.7 x 2 metres; 2.5 metres high to the apex) timber-clad structure which, set against the backdrop of an existing wooded area to the west, would not detract from the generally open character of the landscape. The high perimeter fence is necessary to secure the feeding area (as explained below this is subject to licencing, so public access must be restricted) and, whilst not particularly attractive at close range, would be transitory and reasonably unobtrusive in longer distance views.



### 6.3 **Ecology**

6.3.1 The public opposition to the scheme relates in part to the welfare of the kites and their potential effects on other species. However, given that the minor operational development is in itself unlikely to have any *direct* impact either on kites or other legally protected species, the merits and ethics of feeding the birds are generally beyond the local planning authority's remit. Indeed the RSPB, AHVLA, local ornithologists and other kite feeding centres have advised on the project from the outset, and feeding will be licenced under EEC legislation and policed through regular statutory inspections. This is to protect not only the kites themselves but also the surrounding countryside, in recognition of the need to avoid the spread of maladies and conserve other species. In this last respect it should also be noted that there are few if any pairs of lapwing or curlew in the vicinity, although an increase in kite numbers could in fact prove beneficial since kites feed on young crows and magpies which are the most significant avian predators of ground-nesting birds.

6.3.2 The ongoing ability of the site operator to continue feeding the kites is not a planning matter, although there is no reason to suppose that the Discovery Centre and its associated ventures will not remain well managed and successful. Ultimately if the Centre did fail to meet its obligations the project would be in danger of losing its credibility and feeding licence. In any event kites are unlikely to become dependent on the feeding centre, with the Welsh experience having demonstrated that restricting the amount of food available helps to maintain the birds' ability to feed naturally.

### 6.4 **Residential amenity and public health**

6.4.1 Given the site's distance from the nearest residential properties the development itself would cause no demonstrable harm in terms of privacy, light or outlook, although it may just be discernable from the rear of certain dwellings on the edge of Craven Arms.

6.4.2 Regarding concerns over the spreading of raw meat, EEC legislation dictates that this would be sourced from a licensed meat-handling operation such as an abattoir, and fit for human consumption. It would, therefore, pose no risk to public health or domestic pets, even if small amounts were occasionally carried away and dropped by the birds. In the latter case the Council's Public Protection Officer is satisfied that there is unlikely to be any significant increase in vermin, and this seems even less likely given that the kites themselves might scavenge from urban areas as is also claimed by some of the objectors.

6.4.3 The Public Protection Officer is also content that there is no danger of bird faeces entering the human food chain, given the other legislation which applies to crop production.

### 6.5 **Highway safety**

6.5.1 As noted above neither the Highways Agency nor the Council's Highways Development Control Team raises any objection on highway safety grounds. The kites are considered unlikely to cause undue distraction to motorists taking reasonable care for their own and other road users' safety, and the feeding station

is unlikely to give rise to large volumes of traffic given its small scale. In any case parking is available at the Discovery Centre and elsewhere in Craven Arms, and roadside parking would not be possible along the A49 (except in the layby just north of Stokesay, which would be perfectly legal).

## 6.6 **Flood risk**

6.6.1 Although the site is within the high risk flood zone as designated by the Environment Agency, it is not necessary to apply the 'sequential' and 'exception' tests as set out within the Government's National Planning Practice Guidance since the use of the development is classed as 'water compatible'. Furthermore, the Council's Flood and Water Management Team is satisfied that a formal flood risk assessment is not required given the small scale of the development, the applicant's confirmation that the hide would be sited above previously recorded flood levels, and the fact that it would not reduce the water-holding capacity of the land in any case.

## 6.7 **Procedural matters**

6.7.1 The application site notice was erected on the perimeter of the site itself, alongside a footpath with public access. The Discovery Centre itself, whilst under common ownership/management, does not form part of the application site, although it is understood that a duplicate notice was in fact displayed at the exit door.

## 7.0 **CONCLUSION**

7.1 The principle of the development is acceptable in planning terms since it relates to an established recreational/nature conservation use. There would be no significant effect on landscape character, and there are no undue concerns in respect of highway safety or flood risk. Furthermore, the development itself is unlikely to have any direct impact on protected species, whilst broader ecological issues, along with public health concerns, are subject to separate legislation outside the planning system. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

## 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 3: Supporting a prosperous rural economy

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

#### Shropshire Local Development Framework Adopted Core Strategy Policies:

CS3: The Market Towns and Other Key Centres

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS7: Communications and Transport

CS8: Facilities, Services and Infrastructure Provision  
CS13: Economic Development, Enterprise and Employment  
CS16: Tourism, Culture and Leisure  
CS17: Environmental Networks  
CS18: Sustainable Water Management

**Relevant Planning History:**

SS/1/8319/P – Provision of Shropshire Hills Discovery Centre, associated cafe and teaching facility, landscaped car parking and alterations to existing access (permitted June 1998)

**List of Background Papers:**

Application documents available to view on Council website

**Cabinet Member (Portfolio Holder):**

Cllr M. Price

**Local Members:**

Cllr Lee Chapman  
Cllr David Evans

**Appendices:**

Appendix 1 – Conditions and informatives

## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **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 in strict accordance with the approved plans and drawings unless any minor amendments are agreed in writing by the Local Planning Authority.

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

### **CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. Unless first agreed otherwise by the local planning authority in writing, the external materials of the bird hide hereby permitted shall be as specified in the planning application form (i.e. unstained softwood weatherboarding and corrugated roof sheets finished in black or Laurel/Juniper green), and shall be maintained thereafter.

Reason: To safeguard the visual amenities of the open countryside, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **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. Great Crested Newts are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a great crested newt be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
3. Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.

4. All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.



<u>Committee and date</u>
South Planning Committee
19 August 2014

## SCHEDULE OF APPEALS AND APPEAL DECISIONS

<b>LPA reference</b>	14/00722/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr C Turner
<b>Proposal</b>	Erection of two storey side extension and new porch; erection of garage and store with hobby room above following demolition of existing car port
<b>Location</b>	Mandala, 2 Chartwell Close, Church Stretton Shropshire
<b>Date of appeal</b>	17.07.14
<b>Appeal method</b>	Householder
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/01579/CPL
<b>Appeal against</b>	Non-Determination
<b>Committee or Del. Decision</b>	N/A
<b>Appellant</b>	Mrs Penella Parr
<b>Proposal</b>	Lawful Development Certificate for the erection of replacement wooden structure with straw-bale building workshop
<b>Location</b>	The Stables Victoria Road Much Wenlock Shropshire TF13 6AL
<b>Date of appeal</b>	17/07/2014
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	N/A
<b>Date of appeal decision</b>	31/07/2014
<b>Costs awarded</b>	
<b>Appeal decision</b>	Appeal Withdrawn

<b>LPA reference</b>	13/03443/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms Judy Collyer
<b>Proposal</b>	Change of use of agricultural land for the siting of a timber chalet for use as holiday accommodation
<b>Location</b>	Site at Affcot Mill, Affcot, Church Stretton, SY6 6RL
<b>Date of appeal</b>	07.08.14
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	