

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

Date: Wednesday, 26 March 2014

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 3 April 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**

Vernon Bushell (Chairman)  
Ted Clarke (Vice Chairman)  
Andrew Bannerman  
Tudor Bebb  
Dean Carroll  
Miles Kenny  
Jane MacKenzie  
Pamela Moseley  
Peter Nutting  
Kevin Pardy  
David Roberts

**Substitute Members of the Committee**

Peter Adams  
Roger Evans  
John Everall  
Hannah Fraser  
Alan Mosley  
Keith Roberts  
Jon Tandy  
Mansel Williams

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 apologies for absence.

## 2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 6 March 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 Residential Development Site Land Off Falkland Road, Dorrington, Shrewsbury, Shropshire (13/02776/OUT) (Pages 11 - 40)

Outline application for the erection of 19 dwellings to include access from Falkland Road (amended description).

## 6 Land Between Mousecroft Lane and Longden Road, Shrewsbury, Shropshire (13/03920/OUT) (Pages 41 - 70)

Outline application (including access with mini island off Longden Road) for a residential development of up to a maximum of 175 dwellings; amenity space and associated works (amended description).

## 7 Development Land Opposite The Crescent, Nesscliffe, Shrewsbury (13/04757/OUT) (Pages 71 - 88)

Application for Outline Planning Permission (access for approval) for residential development and associated works.

## 8 Bicton Hall, Bicton Lane, Bicton, Shrewsbury SY3 8EU (13/04790/FUL) (Pages 89 - 102)

Erection of two detached dwellings (within walled garden) to include the erection of detached garden rooms and alterations to existing vehicular access (amended description)

## 9 Dorset House, Dorset Street, Shrewsbury, Shropshire, SY1 2JB (14/00092/OUT) (Pages 103 - 112)

Outline application (all matters reserved) for the erection of one dwelling; creation of pedestrian access

**10 Land At Jubilee Farm, Church Road, Dorrington, Shrewsbury, SY5 7JL (13/ 00188 OUT) (Pages 113 - 128)**

Outline planning application for the erection of 2 detached dwellings.

**11 Proposed Residential Development Land Off Limes Paddock, Dorrington, Shrewsbury (14/00190/OUT) (Pages 129 - 144)**

Outline planning application for the erection of two detached dwellings (all matters reserved).

**12 Development Land Adj Leylands, Pulley Lane, Bayston Hill, Shrewsbury, Shropshire (14/00254/ FUL) (Pages 145 - 162)**

Erection of nine dwellings and associated garages; formation of vehicular access.

**13 Land to rear 110-112 London Road, Shrewsbury (13/02781/FUL) - (To Follow)**

Erection of two residential dwellings (amended description).

**14 Appeals and Appeal Decisions (Pages 163 - 174)**

**15 Date of the Next Meeting**

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 1 May 2014 in the Shrewsbury Room, Shirehall.

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**Committee and Date**

Central Planning Committee

3 April 2014

**Item****2**

Public

**Minutes of the meeting held on Thursday, 6 March 2014****2.00 pm – 3:56 pm in the Shrewsbury Room, Shirehall, Shrewsbury.****Responsible Officer** Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk

Telephone: 01743 252738

**PRESENT****Councillors:** V Bushell (Chairman)  
T Clarke (Vice-Chairman)

A Bannerman, T Bebb, M Kenny, Ms J MacKenzie, Mrs P Moseley, P Nutting, K Pardy and D Roberts.

**136. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor D Carroll.

**137. MINUTES****RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 6 February 2014 be approved as a correct record and signed by the Chairman.

**138. PUBLIC QUESTION TIME**

There were no public questions, statements or petitions received.

**139. 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 applications to be considered at this meeting, Councillors A Bannerman, P Nutting and Mrs J MacKenzie stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 13/03793/FUL, Councillor T Clarke stated that, for reasons of pre-determination, he would make a statement and then leave the room during consideration of this item.

With reference to planning application 14/00190/OUT, Councillor P Nutting stated that a member of his family lived in close vicinity to the application site and for reasons of bias, he would leave the room during consideration of this item and not vote.

With reference to planning applications 14/00188/OUT and 13/04065/OUT, Councillor D Roberts stated that he was closely acquainted with the applicants and would leave the room prior to consideration of these items.

**140. RESIDENTIAL DEVELOPMENT SITE, LAND OFF FALKLAND ROAD, DORRINGTON, SHREWSBURY, SHROPSHIRE (13/02776/OUT)**

With reference to Minute No. 128, the Planning Officer introduced the report and explained that this application had been refused at the previous meeting as per the reasons detailed in the report. However, it had been determined that these reasons were not considered to be robust and defensible at appeal and the application was now before Members to consider the likely implications and reasons for refusal. Also, following the previous meeting, it had been concluded that the proposed footway through Lower Fold up to the public highway in The Fold would need to form part of the application site boundary. As a result, and in line with Shropshire Council's Constitution, this would now require a statutory notice to be served on the landowner(s) and a 14-day reconsultation period to take place with all properties with an adjoining boundary. Officers were now recommending deferral to enable a statutory notice to be served and appropriate consultation to take place.

**RESOLVED:**

That this application be deferred to enable a statutory notice to be served on the landowner(s) and a 14-day reconsultation to be undertaken with all properties with an adjoining boundary with the application site boundary following receipt of amended plans and revised Ownership Certificate in respect of the proposed footway through Lower Fold up to the public highway in The Fold.

**141. LAND SOUTH OF 6 OLD TOP COTTAGES, UFFINGTON, SHREWSBURY, SHROPSHIRE (13/02834/OUT)**

With reference to Minute No. 129, the Planning Officer introduced the report and explained that this application had been refused at the previous meeting for the reasons outlined in the report. However, these reasons were not considered to be robust and defensible at appeal and the application was now before Members to consider the likely implications and reasons for refusal. He drew Members' attention to paragraph 49 of the National Planning Policy Framework (NPPF) which indicated that policies were considered to be out of date when a 5 year land supply could not be demonstrated and the application for affordable housing in Bomere Heath which had been refused by this Committee for its 'ribboning effect' which had been allowed by the Inspector on appeal. With reference to the drawings displayed, he drew Members' attention to the location of the site and confirmed that the proposal was for outline only with the scale, appearance and landscaping reserved for later approval.

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

Councillor John Everall, the local Ward Councillor, 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 requested that consideration be given to deferring any decision on this application in view of the ministerial statement issued by Nick Boles MP that morning;
- The Bomere Heath application was for 12 affordable houses unlike this one;
- There was only one bus stop and one bus at 7.30 am and 3.30 pm;
- It was actually 2.3 miles to the nearest Tesco, and there was no shop in Uffington and had not been for many years;
- There would be no social benefits and there were no local services;
- No-one in Uffington wanted it and there was no need for it;
- It would have an adverse impact on the character of Uffington;
- There was no employment, no shops, no realistic transport and every journey would have to be made by car thus producing more pollution and carbon emissions;
- Uffington was trying to progress in a controlled manner; and
- The proposal would not be sustainable.

Ms P Stephan, 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 refusal relating to its ribboning effect was inappropriate and would not be defensible and the Bomere Heath decision had been overturned;

- A five year land supply could not be demonstrated;
- The land on which five open market dwellings was now planned had previously had permission for 10 affordable homes; and
- There would be no significant or demonstrable harm.

In the ensuing debate, Members noted the comments of the speakers and officers and the ministerial statement issued that morning. Members considered the submitted plans; acknowledged that this was a balanced decision; seriously questioned the sustainability of the scheme; and commented that public transport was infrequent and it would not contribute to a low carbon economy.

**RESOLVED:**

That, contrary to the Officer's recommendation, this application be refused for the following reasons:

1. The Local Planning Authority (LPA) acknowledges that the proposed development will perform a social and economic role by supporting local services and facilities in Uffington and nearby villages. Whilst acknowledging that there is a cycle route to Shrewsbury, this is unlit, and the majority of essential day to day services and facilities are in Shrewsbury and would be accessed by private car due to an inadequate bus service. The proposal would therefore not provide any environmental benefits due to it not contributing to a low carbon economy and also by reason of the adverse impacts. Therefore taking the three dimensions of sustainability together it is not considered that the proposal represents sustainable development when assessed against the policies in the NPPF when taken as a whole.
2. The LPA considers that the proposal would have an adverse impact on the character and appearance of the settlement and the surrounding countryside due to a loss of open character as a result of the extension of built development alongside the road that would have a 'ribboning' effect and unacceptably elongate and extend the village into the open countryside. Accordingly it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits and the proposal is considered contrary to Shropshire Core Strategy Policies CS5 and CS6 and the NPPF taken as a whole.

**142. DEVELOPMENT LAND ADJACENT MARY WEBB ROAD, OFF NEW PULLEY LANE, BAYSTON HILL, SHREWSBURY, SHROPSHIRE (13/03793/FUL)**

With reference to Minute No. 130, the Planning Officer introduced the application and explained that this application had been deferred at the previous meeting in order that further negotiations could be undertaken with the application in relation to the improvement and maintenance of the footpath to the north east of the site. Subsequently, Shropshire Council's Highways



Development Control Officer had confirmed that the £2,500 offered by the applicant would be sufficient to upgrade and maintain the footway. With reference to the drawings displayed, he drew Members' attention to the revised layout and proposed elevations and confirmed that Members had undertaken a site visit on a previous occasion and had assessed the impact of the proposal on the surrounding area.

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

In accordance with his declaration of interest, Councillor T Clarke made a statement in accordance with paragraphs 6(7) and 6(8) of the Members Code of Conduct on planning matters in Part 5 of the Council's Constitution and then left the room for this item. He commented that he was very much in favour of affordable housing but expressed disappointment with this proposal and the lack of detail. The proposal was contrary to Shropshire Council policies in terms of density, did not meet the local standard for the provision of recreational space and would not be sustainable.

Mr A Brinckley, a local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He expressed concerns relating to traffic and referred the meeting to a fatal accident that had taken place close to the proposed entrance in 2008;
- The footpath between the site and Meole village was unlit and raised health and safety issues;
- It would not be acceptable to expect children to use a potentially unsafe footpath to access play areas over a quarter of a mile away from their homes; and
- He urged refusal of this application.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Mrs J MacKenzie, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. She encouraged and welcomed affordable housing but stressed that any provision should be based on the impact it would have to the quality of life and residents needed to be sure that they would have adequate access to services. She questioned if there was any leeway to reduce the number of dwellings based on the proposed provision of recreational space.

In response, the Planning Officer drew Members' attention to paragraphs 6.1.2 and 6.3.2 of the report and confirmed that the play area was outside of Flood Zones 2 and 3.

Ms E Kay, Clerk to Bayston Hill 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 development would not be sustainable and there was a need to upgrade the infrastructure prior to any permission being implemented;
- The S106 Agreement should not be granted until the applicant had provided a guarantee to upgrade and maintain the link footpath. £2,500 would not be sufficient to maintain this path and provide adequate lighting to enable children to use the footpath safely;
- The proposal was contrary to the Bayston Hill Parish Plan; and
- Why should Bayston Hill CIL money be used to contribute to the development when it would be an extension of Shrewsbury.

Mrs J Teichman, 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 homes would be managed by the Trust from an office based in Shrewsbury town centre;
- They were committed to providing high quality accommodation for local people and had an excellent reputation;
- The homes met the Sustainable Homes Code Level 3 standard;
- Arising from the last meeting, the only issue to be addressed was the potential improvement of the footpath and a sum of £2,500 for improvements and maintenance had been agreed with Shropshire Council Officers; and
- There were no further outstanding technical issues.

In the ensuing debate, Members expressed differing views. Some expressed concerns relating to the density of the site; and the inadequate provision of community space and the potential for the play area to become water-logged. Further concerns were also expressed with regard to the potential for speeding along Pulley Lane and suggested that the speed limit should be reduced along this stretch of road. During their site visit Members had noted that the link footpath had been submerged and was very muddy, and as this would be the main route for children walking to and from Meole school expressed the view that this footpath should be suitably constructed and maintained at all times, although they doubted that £2,500 would be adequate for this purpose. Other Members acknowledged that the site would be sustainable and the homes would be built to a high standard.

The majority of Members supported the proposal and it was

**RESOLVED:**

That, subject to a Section 106 Legal Agreement to secure the affordable occupation of the 10 low cost ownership and 23 rented dwellings in perpetuity and a commuted sum of £2,500 to upgrade and maintain the surface of the footway between the site and Meole Village and subject to the

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

**143. PROPOSED RESIDENTIAL DEVELOPMENT LAND OFF LIMES PADDOCK, DORRINGTON, SHREWSBURY, SHROPSHIRE (14/00190/OUT)**

Councillor P Nutting left the room in accordance with his declaration in Minute No. 139 above.

The Planning Officer introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, indicative layout and access arrangements. He drew Members' attention to the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting.

Mr P Smith, local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He expressed concern that there had been a tsunami of applications to build outside of a preferred area and because of the lack of a five year land supply developers were free to apply to build wherever they wished to; and
- Developers were not taking into account the feelings and wishes of the residents.

Councillor Mrs L Crowhurst, representing Condover 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:

- Condover Parish Council had previously considered and rejected this site during the Site Allocations and Management of Development (SAMDev) process;
- The site had been excluded as a preferred site due to its topography;
- Visibility on to the site off the A49 was restricted;
- The site was grade 3 agricultural land and, if developed, the agricultural use would be lost forever;
- Approval for two houses could open the floodgates for further development;
- Condover Parish Council had produced a robust SAMDev plan and had identified other sites for development; and
- She urged refusal on the grounds of access, topography, it was grade 3 agricultural land and the site had not been supported by Condover Parish Council or Shropshire Council during the SAMDev process.

Councillor T Barker, the local Ward Councillor, 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 acknowledged that Shropshire Council was in a difficult position due to the five year land supply issue; and
- He drew Members' attention to the ministerial statement issued by Nick Boles MP that morning, which in his view called into question the basis upon which the five year land supply was calculated.

Mr P Middleton, 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 SAMDev process had took the whole field into consideration and this application was for a portion of the site;
- The access had been approved by the Highways Agency; and
- A five year land supply could not be demonstrated.

In the ensuing debate, Members suggested that, in view of the ministerial statement issued by Nick Boles MP that morning, a decision on this application be deferred.

**RESOLVED:**

That this application be deferred in order that the implications of the written ministerial statement issued by Nick Boles MP that morning can be assessed prior to any decision being made.

**144. LAND AT JUBILEE FARM, CHURCH ROAD, DORRINGTON, SHREWSBURY, SY5 7JL (14/00188/OUT)**

Councillor D Roberts left the room in accordance with his declaration in Minute No. 139 above.

**RESOLVED:**

That this application be deferred in order that the implications of the written ministerial statement issued by Nick Boles MP that morning can be assessed prior to any decision being made.

**145. LAND NORTH OF TOP FARM, KINTON, SHREWSBURY, SHROPSHIRE (13/05065/OUT)**

Councillor D Roberts left the room in accordance with his declaration in Minute No. 139 above.

**RESOLVED:**

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

**146. APPEALS AND APPEAL DECISIONS**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 6 March 2014 be noted.

**147. DATE OF THE NEXT MEETING**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee would be held at 2.00 p.m. on Thursday, 3 April 2014.

CHAIRMAN: .....

DATE: .....

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Committee and date  
 Central Planning Committee  
 3 April 2014

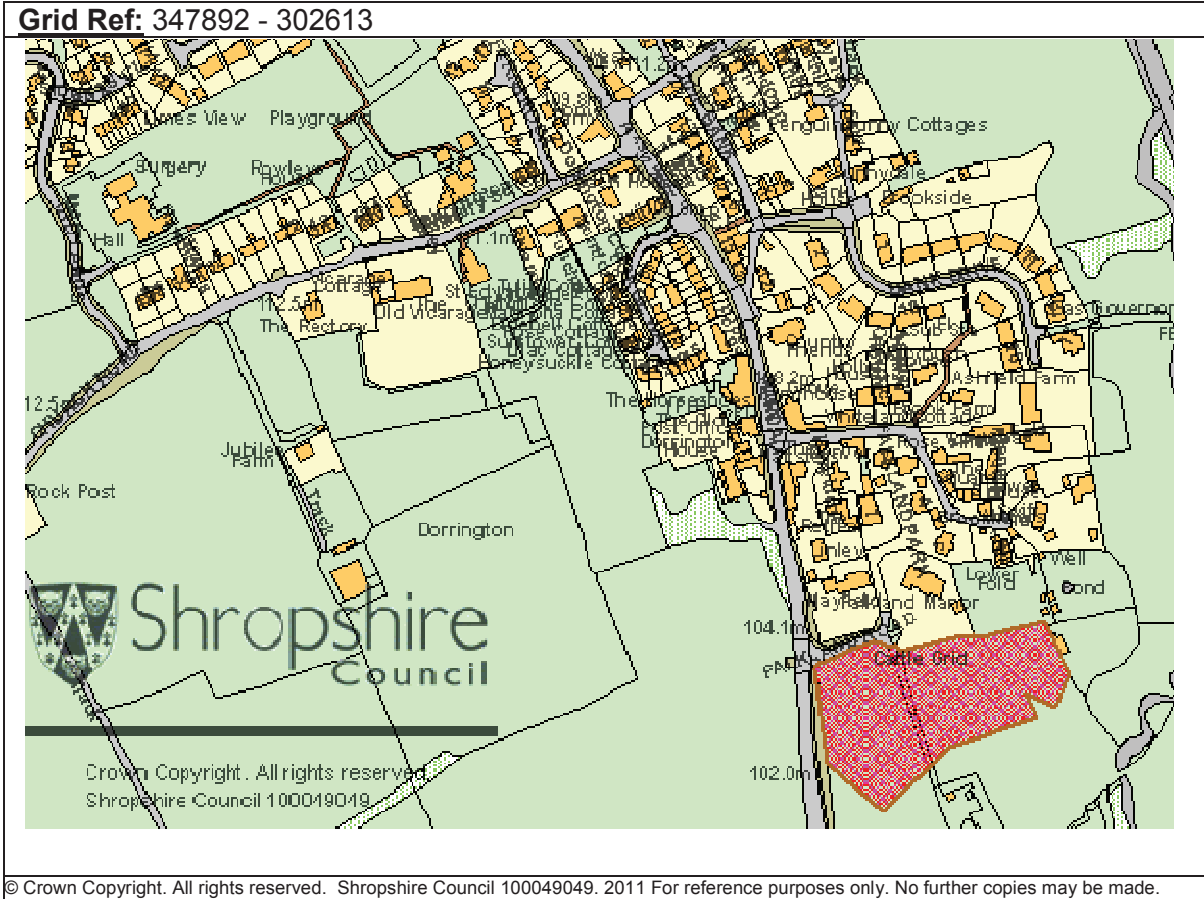
Item  
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 Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 13/02776/OUT	<b>Parish:</b>	Condover
<b>Proposal:</b> Outline application for the erection of 19 dwellings to include access from Falkland Road (amended description).		
<b>Site Address:</b> Residential Development Site Land Off Falkland Road Dorrington Shrewsbury Shropshire		
<b>Applicant:</b> Severnside Housing Association And SJP Furniss		
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



**Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure an affordable housing, public footway across 'Lower Fold' and to the conditions set out in Appendix 2.**

## REPORT

### 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members on the potential reason for refusal of this application and to set out the associated risks with this decision for consideration by members.
- 1.2 In light of recent decisions the Council needs to ensure that there is a consistent approach in determining applications when the 'presumption in favour of sustainable development' comes into play due to a lack of 5 year land supply and the Councils adopted and emerging policies with regards to housing not being considered up to date.as outlined in paragraph 49 of the NPPF.
- 1.3 Where any proposed refusal reason may not be defensible if challenged, and may result in a costs claim by the applicant at appeal, the Constitution requires the Committee to review the refusal reasons with officer advice on their potential wording and risks associated with the decisions. The final decision on the application still rests with the Central Planning Committee.

### 2.0 BACKGROUND

- 2.1 Members considered this application at the Central Planning Meeting on 06 Feb 14 and resolved that planning permission be refused contrary to the Officer's recommendation for the following reasons:

1. The LPA consider that the proposed development does not represent a sustainable form of development.
2. The LPA consider that the proposed development would compromise pedestrian safety due to the increased traffic and inadequacy of the footpath.

The application was deferred from consideration at the 6<sup>th</sup> March Central Planning Committee to allow re-consultation on the amended plan including the proposed footway across Lower Fold, the additional consultee, Parish Council and local residents comments are included later in this report.

- 2.2 The provision of this alternative means of pedestrian access through Lower Fold as shown on the Revised Indicative Site Layout drawing received on the 20<sup>th</sup> February 2014 is considered to be a material consideration in the determination of this application. In addition it is considered that reasons 1. (sustainability) is not sufficiently robust and would not be defensible at appeal. The NPPF clearly advises within paragraph 14 of the NPPF that development considered to be sustainable should be approved unless ***'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against***



***the policies in this Framework taken as a whole***'. The members' reasons for refusal are considered below with an officer commentary.

### **3.0 OFFICER COMMENTARY**

#### **3.1 The proposed development does not represent a sustainable form of development**

**3.1.1** Sustainable development isn't solely reliant on accessibility and proximity to essential services with the NPPF outlining that it seeks to achieve '*positive growth – making economic, environmental and social progress for this and future generations*'. Paragraph 7 it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ☐ *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ☐ *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ☐ *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

**3.1.2** Section 6.2 of the Committee Report outlined why it was considered the proposal contributed to these three dimensions of sustainability and that the proposal did represent sustainable development. A balanced judgement has to be made and this judgement must be based on material planning grounds. The judgement is based on all three dimensions and if Members consider that the proposal will not provide economic, social and environmental benefits, or that the proposal does not jointly and simultaneously achieve the three dimensions of sustainability to an extent which renders the development unsustainable then Members will have to substantiate these in robust and defensible reasons for refusal. Any reason for refusal must also be able to demonstrate that any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

**3.1.3 Economic –** The Committee Report outlined that:

*"The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting builders and building suppliers. The provision of more houses will also support*

*local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards infrastructure opportunities identified in the Place Plan.*

**3.1.4** Members did not debate the economic benefits of the scheme and did not provide any reasons why the proposal does not fulfil the Economic role of sustainability. If Members consider this to be the case then reasoned justification must be included in a robust and defensible reason for refusal.

**3.1.5 Social** – The Committee Report outlined that:

*“Dorrington is a relatively large village with a range of essential services and facilities. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities in that and other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The size and mix of the proposed houses will not be submitted for consideration until the reserved matters stage of development. However the provision of an appropriate size and mix will help maintain the balance of housing stock within Dorrington resulting in a more balanced community.”*

**3.1.6** Members debated the suitability of the existing highway footpath along the A49 in respect of access to the services and facilities available in the village; the requirement to cross the A49 to access some of the services, namely the school, pub, play area and village hall; and the parking problems experienced outside the village shop. However it cannot be contested that this development will provide support for, and maintain the level of services and facilities available in the village and surrounding villages.

**3.1.7** It is acknowledged that the proposal is outside the development boundary, is not a preferred option in the SAMDev process and is not therefore an aspiration of existing residents. However neither the existing housing land supply policy (SABC Policy HS3) nor emerging land supply policy (SAMDev) can be considered up to date and the application should be assessed on the grounds of sustainability and whether any adverse impacts of approving the scheme would significantly and demonstrably outweigh the benefits outlined above. Furthermore given Shropshire’s undelivered housing the proposal is considered to contribute to meeting the housing needs of existing and future generations.

**3.1.8** The proximity to the Severn Trent Sewage Pumping Station was acknowledged within the Committee Report and it was highlighted that neither Severn Trent Water nor Shropshire Council had any objection to the proposal. Whilst local residents and Members highlighted this as an area of concern at the Meeting, with regards to the consultee responses it is not considered that this would form a robust and defensible reason for refusal.

**3.1.9** If Members consider that the proposal fails to fulfil the *Social* role of sustainable development then the reasons why must be sustained in a robust and defensible reason for reason.

**3.1.10 Environmental** - The Committee Report outlined that:

*“The site is an agricultural field with no heritage, cultural or ecological designation. It is arable land with little ecological value with the only feature of any ecological value being a small length of mixed hedgerow on the Western Boundary that will be retained and enhanced with additional landscaping. The proposal would have no adverse impact on wildlife and the ecological value of the site will be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is accessible on foot, public transport or by a short car journey to the array of services, facilities and employment opportunities on the edge of Shrewsbury (Meole Brace) and in Shrewsbury and Church Stretton town centres.”*

**3.1.11** As noted, Members debated the suitability of the highway footpath and the existing traffic issues outside the village shop. However, notwithstanding Members views on the suitability of the footpath, the presence and potential use of the footpath to access services should not be discounted neither should the fact that the site is within a short car journey of a range of services and facilities. In addition following the Committee a footway has been secured over Lower Fold into The Fold which is subject to to a 30mph restriction. Members are therefore asked to give consideration to the provision of a footway which is a material consideration in the determination of the application. If Members consider that the proposal fails to fulfil the *Environmental* role of sustainable development then the reasons why must be sustained in a robust and defensible reason for reason.

**3.2 The proposed development would compromise pedestrian safety due to the increased traffic and inadequacy of the footpath.**

**3.2.1** Following the Committee Meeting a 2 metre wide surfaced footway has been secured across a paddock in Lower Fold into Brookfield which adjoins the end of The Fold, an adopted highway subject to a 30mph speed restriction. Shropshire Council’s Highways Development Control Officer has confirmed that whilst the section at the end of The Fold, referred to as Brookfield is not adopted highway, it is on the National Street Gazetteer so the public have a right to pass and re-pass which would allow them access to the proposed footway. The footway will provide an alternative means of pedestrian access to the services and facilities in the village for both the 19 dwellings proposed and 6 dwellings off Falklands Road / Falklands Park. It is acknowledged that this doesn’t resolve the objection about having to cross the A49 to access the school, play area, pub and village hall. However this is an existing situation for the occupants of properties east of the A49 and similarly for the occupants of properties living on the west accessing the butcher, shop, business park and restaurant. SC Highways in their consultation response on the 6<sup>th</sup> February Committee Report, have noted that the Highways Agency are planning the installation of a pedestrian crossing in the centre of the village which Shropshire Council Highways Development Control have installed a

feeder pillar for the electricity supply. It should be noted that this isn't considered by Officers to be a requirement of this permission and would not represent a sustainable and defensible reason for refusal. As such, the provision of the alternative means of pedestrian access is a material consideration in the determination of this application and Members and the reason for refusal on these grounds should be refused.

#### 4.0 REPRESENTATION

4.1 **Condover Parish Council** (21<sup>st</sup> February 2014 by email): "Thank you for the update; the Parish Council will require additional information/assurance that the said footpath across the field is :

- A proper public pavement; meet the proper standard for a pedestrian footway; be hard surfaced, well drained and sufficiently wide enough allowing for safe passage for pedestrians and prams etc.
- Possibly be lit to ensure safe passage and access can be guaranteed at all times of the day, including when there is poor natural light.
- Be maintained to an appropriate standard and by whom to ensure it is fit for purpose and does not become a hazard? General annual maintenance; snow clearance etc.
- A legally viable option; and that necessary permissions have been gained from land owners to allow its installation by the applicant.
- A financial viable option; given the above considerations and length of the path.
- Definitions of a footway which runs along a carriageway and a footpath which is used for walking are very different.
- In addition to the pedestrian access issue ( along the narrow footway which borders the A49 ) please ensure that the Committee is made fully aware of the other sustainable issues which have been highlighted and are again briefly summarised below:
- Unsafe vehicle access to and from the A49 from the proposed development site especially turning north; towards Shrewsbury and the centre of the village.
- No safe crossing currently exists for pedestrians enabling safe passage across the busy A49 trunk road dissecting the village Services such as the school, village hall and doctors surgery are located on the north western side of the village which will be difficult to access from the development.
- Parking issues and restrictions exist in the village. These will be exacerbated by this development.
- Access to the Severn Trent sewage works.
- The development of the site will create an unwanted ribboning effect of elongating the village to the south; and also open the door to further development of this site and sites on the opposite side of the A49 carriage way. This focuses on moving people away from the central village amenities which are given as the reasoning for the development's sustainability. Whilst the the PC's SAMDev submission concentrated on central village amenities and the needs of its residents."

4.2 In total letters of objection have been received from 27 households raising the following points:

- Principle of development outside of development boundary
- SAMDev process has identified preferred sites closer to school, doctors, shop, pub and recreation ground in the village centre.
- Density and character
- Highway and pedestrian safety (narrow footpath)
- Impact on local school places
- Right of way to sewage treatment works (south) and orchard (east) should be maintained
- Flooding
- Health and safety implications (odour and flies) on residential amenities of proposed properties from sewage works, not addressed in SC Public Protection Officers additional comments.
- Proposed footway through Lower Fold is further away from village amenities and residents will use shortest route (along A49) which is unsafe.
- Proposed footway is only an alternative route to the A49 footpath which is considered dangerous.
- Proposed footway exits on to very narrow single track road which will put pedestrians in conflict with traffic on a road which is used by traffic entering and exiting properties off lower fold including break down vehicles for Dorrington Garage and service vehicles (Refuse Emergency Services etc) There is no footpath running along side this road and there is no room for both traffic and pedestrians to pass which again though less traffic usage is just as dangerous.
- The road (being used as a footpath) is unlit.
- The footpath does not answer the other objections raised by the PC.
- The footpath egresses on to a private road for which no ownership is identified on the Land Registry, without the owners permission access would be trespassing.
- The latest proposal affects more residents in Dorrington living along Lower Fold. These residents need to be consulted about this new proposal.
- Request to attach photographs which could not be uploaded on the Online Planning Register.
- Forty five page DEFRA Report in respect of development adjacent to Sewage Treatment Works which all UK Council's including SABC contributed to.
- Evidence should be submitted to demonstrate that houses are needed in Dorrington above the number and outside the locations proposed in SAMDev.
- Development is unplanned, unsustainable and not required.

#### 4.3 Shropshire Council Public Protection (additional response 3<sup>rd</sup> March 2014):

Having carried out a site visit I am of the opinion that although some noise is noted from the sewage treatment process it is far outweighed by the dominant noise source in the area which is vehicles on the A49. Further more it is noted that properties will be situated back from the sewage treatment works. As a result this noise source is not anticipated to exceed threshold limits which would indicate that further assessment is required or that mitigation may be necessary.

With regard to odour although the site visit was undertaken on a cold day there was very little wind and therefore little natural dispersion of any odours produced at the sewage treatment plant. No odour was noted from the plant at any time while on site. It may be the case that odour is noted from time to time in the general area however any future occupant would be aware of this as the sewage works is and will remain visible when entering the site.

As a result I have no objection to this development. I do however propose the attachment of a condition requiring the installation of electric vehicles charging points should this application be granted approval; this is not a statutory requirement so has been attached as an informative.

## **5.0 CONCLUSION**

**5.1** The purpose of this report is to advise the Committee of the likely implications of refusing this application and the reasons for refusal. The final decision rests with the Central Planning Committee. The officer's original report attached as Appendix 1 still stands and the officer's recommendation to members is to grant permission subject to the conditions set out in Appendix 2 and a s106 Agreement to secure affordable housing provision and footway over Lower Fold into The Fold. However it is accepted by officers that this is a balanced decision where a judgement has to be made and if members on balance resolve to refuse the application it is recommended that any reason for refusal should relate specifically to either:

1. why members consider that this site is not a sustainable location and why the proposal represents unsustainable development having regard to the three dimensions of sustainability (economic, social and environmental) outlined in paragraph 7 of the NPPF and / or
2. whether there are any adverse impacts of approving the proposal that members consider would significantly and demonstrably outweigh any benefits

## **7.0 Risk Assessment and Opportunities Appraisal**

### **7.1 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.

## 7.2 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.

## 7.3 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.

## 8.0 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.

## 9. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS1 – Strategic Approach  
CS2 – Shrewsbury Development Strategy  
CS4 – Community Hubs and Community Clusters  
CS5 – Countryside and Green Belt  
CS6 – Sustainable Design and Development Principles

CS9 – Infrastructure Contributions  
 CS11 – Type and Affordability of Housing  
 CS17 – Environmental Networks  
 CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing  
 Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

No relevant planning history.

10. Additional Information

[View details online:](#)

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Tim Barker
<b>Appendices</b> APPENDIX 1 – Report to Committee Thursday 6 <sup>th</sup> February 2014 APPENDIX 2 – Conditions



**APPENDIX 1**

Committee and date

6<sup>th</sup> February 2014

Item

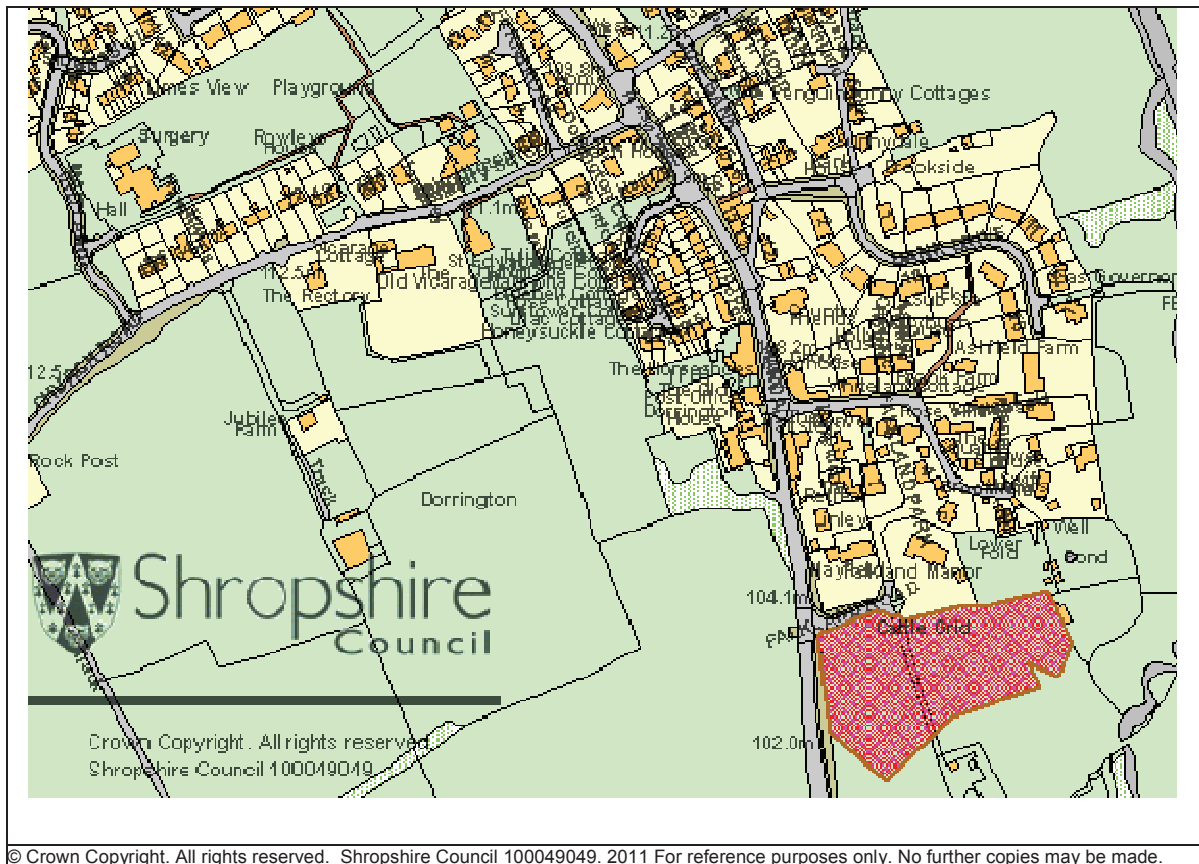
Public

**Development Management Report**

Responsible Officer: Tim Rogers

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

<b><u>Application Number:</u></b> 13/02776/OUT	<b><u>Parish:</u></b>	Condover
<b><u>Proposal:</u></b> Outline application for the erection of 19 dwellings to include access from Falkland Road (amended descripton).		
<b><u>Site Address:</u></b> Residential Development Site Land Off Falkland Road Dorrington Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Severnside Housing Association And SJP Furniss		
<b><u>Case Officer:</u></b> Andrew Gittins	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 347892 - 302613		



**Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure the affordable housing and subject to the conditions set out in Appendix 2.**

## REPORT

### 1.0 THE PROPOSAL

**1.1** The proposal is an outline application for the erection of up to a maximum of 19 dwellings to include access from Falkland Road. The level of on-site affordable housing would be determined by the prevailing rate at the time of the submission of the reserved matters. For indicative purposes based on the current prevailing rate of 15% the scheme would provide 2 affordable units on-site and commute a financial contribution for the outstanding 0.85 of a unit which equates to £76,500.

**1.2** The application is a departure from the Development Plan and has been advertised in the Shropshire Star on the 24<sup>th</sup> December 2013 for a minimum period of 21 days in accordance with the statutory requirements.

### 2.0 SITE LOCATION/DESCRIPTION

**2.1** The site is located to the south of the village of Dorrington. The site is bound by Falklands Road, the residential property of Falkland Manor and two paddocks to the north, countryside and a Sewage Works which would be accessed through the

site to the east and south and the A49 trunk road to the west. There are three residential properties approximately 70 metres to the south of the amended site boundary.

**2.2** The site is located immediately adjacent, but outside of the Dorrington Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries. The site has not be included in the Dorrington Village Design Statement (last updated July 2012) and the site has not been included as a Preferred Option in the Site Allocations and Management of Development (SAMDev) Plan in which Dorrington is being proposed as a Cluster with Stapleton and Conover.

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

**3.1** Conover Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager and Principal Planning Officer in consultation with the committee chairman, vice chairman and the Local Member agree that the Parish Council has raised material planning issues and that the application should be determined by committee.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

**4.1.1 Conover Parish Council (response to amended plans):** There is no change to Conover Parish Council's original response to this application as the reduction in houses makes no difference to the application.

**Original response:** Conover Parish Council opposes the application as it is outside the development boundary put forward in its SAMDev response to Shropshire Council.

The land has not been included as local people opposed the ribboning effect of this type of expansion in Dorrington as expressed at its public consultation events in 2010 and 2012.

#### **14 January 2014:**

Further to the Parish Council's earlier responses opposing this proposed development; the Parish Council would like to make the following comments and reiterate the planning reasons which support that the development's site is unsustainable and strongly opposed by the Parish Council and its Community:

The Parish Council and Community are disappointed that Shropshire Council are unable to give significant weight to the widely consulted upon SAMDev submission made by the Parish Council as part of Shropshire Council's Draft Core Strategy. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked.

This site was considered initially in this process and not selected as it was deemed to be less suitable than other potential development sites, particularly given the following sustainability issues based on poor access and inappropriate location:

- Unsafe vehicle access to and from the A49 from the proposed development site especially turning north; towards Shrewsbury and the centre of the village. (Note no professional traffic study supports the planning application.)
- Inadequate pedestrian access along the A49, a major and busy trunk road. A very narrow and dangerous pavement exists to the village centre; with its central services which include bus stops; school, small shop; pub; doctors; village hall etc. (Note: Improvements to the existing pavement were pursued in 2009 by the Parish Council with the Highways Authority and deemed then to be too expensive to introduce; therefore with current funding issues no improvements can be expected.)
- Services such as the school, village hall and doctors surgery are located on the north western side of the village which will be difficult to access from the development. This will create a ribboning effect of elongating the village to the south; focuses on moving people away from the central village amenities which are given as the reasoning for the development's sustainability. This is misleading; given there are alternative more central proposed development sites within the SAMDev submission and Village Design Statement.
- Parking restrictions exist in the village which has many parking issues. These will be exacerbated by this development, as residents unable to walk to the central amenities will of course resort to using their vehicles.

These issues question the proposed development's sustainability and support why local people with local knowledge discounted it in 2010. The alternative sites put forward on the Parish Council's SAMDev response are preferred as they have clear advantages over this site. The Parish Council would recommend that Committee members revisit the site and walk along the existing pedestrian footpath from the Falklands to the central village amenities; preferably around 8.30 am or 3.30 pm when school children are expected to make the journey.

The Dorrington's Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services providing the potential to build 30-32 additional homes which will meet the economic and social needs of the village. Dorrington's Village Design Statement is a Community led planning statement about development taking into account sustainability and the village's future with a vision of enhancing and improving the way in which local people live; why ignore it?

The Parish Council trusts these comments will be considered before a planning decision is made should the application be heard by the SC Planning Committee on 6th February 2014; the Parish Council wishes to request to speak against the application at the Committee meeting and will be represented by the Chairman of Conover Parish Council Councillor Mr AR Tudor.

The Parish Council and the residents of Dorrington have highlighted this issue to its fellow Shropshire town and parish councils, Shropshire councillors and its MP as the implications of being unable to place reliance on its SAMDev submission will have a significant impact on all town and parishes in Shropshire.

- 4.1.2 Highways Agency:** The site is located adjacent to the east of the A49, on the southern periphery of Dorrington. Access is from Falkland Road (cul-de-sac) via the junction with the A49.

The existing Falkland Road/A49 access has been assessed in accordance with TD 41/95 and found to be sufficient to accommodate the number and type of vehicles anticipated to be generated. From a 4.5 metre set back, visibility is achievable to the north and subject to the periodic trimming of the hedge also from the south. There are no other significant safety issues at the junction.

- 4.1.3 SC Rights of Way:** Footpath 40, Conover will be directly affected by the proposals and will need to be taken into consideration when processing this application. The line of the path is shown on the attached 1:1250 scale plan. The footpath abuts the northern boundary of the site as detailed on the location plan, and then turns south easterly to run through proposed plot 24 and across the access road and continuing through plots 22, 21, and 20. The path will require a legal diversion by the applicants prior to work commencing on site and the applicants should contact the Outdoor Recreation Team for further information. It is also noted that the footpath runs along what will be the access to the development - from Falkland Road then crossing the existing access to the sewage works and an increase in traffic accessing the development may impact on the safety of users of the route.

- 4.1.4 Ramblers Association:** No response received.

- 4.1.5 SC Highways:** The highway authority raises no objection to the granting of consent subject to the attachment of a condition and informative.

## Key Issues

The local highway authority notes that the Highways Agency has no objection to the development gaining its access off Falkland Road, on to the adjacent A49 trunk road network. We support this statement and are also of the opinion that both the proposed local access off the existing Falkland Road turning head and the trunk road junction are sufficient for the additional traffic loading from the proposed development.

The development will be connected to Dorrington Village via the existing footway on the east side of the A49. This footway does become narrow when entering the village, however widening works here are prevented by the adjacent buildings. Shropshire Council are actively promoting the construction of a signal controlled pedestrian crossing point in Dorrington Village in order to address the severance caused by the trunk road. We understand that the Highways Agency are looking to construct a crossing point on the A49 in the mid-term future.

As this is an outline application the exact internal site layout is to yet to be determined, however in principal the indicative layout provided appears to show an acceptable road layout and level of parking provision throughout the site.

### 4.1.6 SC Ecology:

#### **Bats**

Trees to the south of the site, along the Crossbrook will not be removed. These are mature willow and alder trees which Greenscape Environmental Ltd (2013) consider to have potential for bat roosts. The suggested condition and informative should be on the decision notice.

#### **Great Crested Newts**

Two ponds within 250m of the proposed development have been assessed by Greenscape Environmental Ltd (2013) for their potential to support great crested newts. One pond is beyond a fast flowing brook which is deemed to be a barrier for great crested newts so no further assessment was made. The second pond was assessed using Natural England's Habitat Suitability Index and scored 0.31. This indicates that the pond has poor potential to support breeding Great Crested Newts. No further survey work is required. The suggested informative(s) should be on the decision notice.

#### **Badgers**

Evidence of an outlying badger sett as observed in a hedge 100m to the east of the site and a latrine and tracks were recorded. The suggested informative should be on the decision notice.

**Nesting birds**

The site has the potential to support nesting birds and the suggested condition and informative should be on the decision notice.

**4.1.7 SC Drainage:** *Officer Comment: Initial site area exceeded 1 hectare and a Flood Risk Assessment was required, however as the amended site area has been reduced to site less than 1 hectare there is no longer a requirement for an FRA and a standard condition requiring the submission of drainage details with the reserved matters application has been attached to the recommendation.*

**4.1.8 SC Affordable Housing:** *Officer Comment: Initial comments no longer application as these related to the original scheme for 14 open market and 14 affordable dwellings. The amended scheme now proposes 19 dwellings with the affordable housing contribution determined at the time of the submission of the reserved matters.*

**4.1.9 SC Public Protection:** It is noted that there is a sewage works in close proximity to the site. The plan shows that the proposed houses will not be built in close proximity to this installation and therefore this service is satisfied that noise does not need to be assessed. Odour may be noted from time to time but this is not expected to have a significant detrimental effect on the occupiers of the proposed dwellings.

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. A suggested condition is therefore proposed should this application be granted approval.

**4.1.10 Severn Trent Water:** No objection subject to attachment of a condition requiring the submission of foul and surface water drainage details and an informative advising that there is a public sewer located within the application site and that these have statutory protection.

**4.2 Public Comments**

**4.2.1** 24 letters uploaded onto the Online Planning Register at time of sending the report to publication (28<sup>th</sup> January 2014) objecting to the proposal on the following grounds:

- Principle of development outside of development boundary
- SAMDev process has identified preferred sites closer to school, doctors, shop, pub and recreation ground in the village centre.
- Density and character
- Highway and pedestrian safety (narrow footpath)
- Impact on local school places
- Right of way to sewage treatment works (south) and orchard (east)

- should be maintained
- Flooding
- Impact on residential amenities of proposed properties from sewage works

## 5.0 THE MAIN ISSUES

### Principle of development

### Sustainable Development

### Siting, scale and design of structure

### Highway / Pedestrian Safety

### Impact on local and residential amenities

### Surface Water Drainage / Flooding

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that '*Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise*'.

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development'*.

and that

*'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Revised Preferred Options' stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:



- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached.

- 6.1.4** The site is located immediately adjacent, but outside of the Dorrington Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries. The site has not been included as a Preferred Option in the Site Allocations and Management of Development (SAMDev) Plan in which Dorrington is being proposed as a Cluster with Stapleton and Conover, with a two allocated housing sites providing 30 houses. These allocations would be delivered on land at the rear of the Old Vicarage (DOR017) added at the Revised Preferred Options Stage July 2013 and land off Forge Way (DOR004) with up to a further five dwellings delivered on windfall sites inside a proposed development boundary, which this proposals falls outside.
- 6.1.5** As such allowing this proposal would therefore be contrary to the emerging SAMDev DPD as the target number of 35 houses would be exceeded by 14. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is a significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Dorrington.
- 6.1.6** The site was considered in the Village Design Statement for Dorrington (Updated July 2012) which selected the area's most suitable for development in Dorrington between 2010-2026 as informed from the Parish Plan and from community consultation events.

The Detailed Findings sections drew the following conclusion about the allocation of this site for light commercial use:

"This area of land went out for consultation as having the possibility to offer light

commercial potential. It is clear from consultation that employment land is not a priority in Dorrington so there is a lack of evidenced need. It was noted that there are a number of units available for rent at the existing Business Park and a tendency to work from home. There were concerns about safe access on to the A49 here, especially for larger commercial traffic. Developing this site would have the effect of ‘ribboning’ the village – stretching it out – and therefore taking residents/workers further from the village centre. This area has been removed from the village design statement as potential development land for Dorrington.”

## **6.2 Sustainable Development**

**6.2.1** The site (DOR001 – Land to the South of Dorrington) was submitted for consideration in the Background Evidence: Dorrington Housing Sites Assessment and progressed to Stage 2a Assessment with the site meeting the following criteria;

- Bus stop on a route which has a service on 5 or more days, within 480m of site boundary. (480m is the average distance walked in 10 minutes and is derived from the Accessibility Standards set out in Shropshire Council’s PPG17 Study)
- Primary school within 480m of site boundary.
- The site is classified as a Grade 3 agricultural (good to moderate quality).

**6.2.2** As such the proposal progressed to the Stage 2b Assessment which summarises that:

“The site is greenfield land, in agricultural use, located on the southern edge of Dorrington, adjacent to the A49. The Stage 2a assessment (sustainability appraisal) scores positively for access to bus transport, access to a primary school, low level of flood risk and access to 1 out of five key amenities and facilities. However, the site scores negatively for access to 4 out of five key amenities and facilities and the site is grade 3 agricultural land. The site is neutral for all other sustainability appraisal objectives.

Whilst the sustainability appraisal provides a relatively good overall assessment of the site, it is located in a prominent location on the approach to Dorrington and abuts the sewage treatment works. Access could be obtained via Falklands Road, although it is not clear as to whether significant additional turning movements onto the A49 at this point would be supported by the Highways Agency. The site is of a size that could potentially accommodate significant development. The Parish Council has not identified this site a preferred option for development in its Village Design Statement or supported a scale of development necessitating a site of this overall size. Having regard to these considerations, whilst the site is considered to be a realistic option to accommodate some limited development, it is not considered suitable to identify as a preferred option for housing development.”

**6.2.3** Dorrington is a relatively large village with a population of circa 600 (2011) situated 7 miles to the south of Shrewsbury Town Centre and 7 miles to the north of Church Stretton Town Council. The village has a range of services and facilities including a small industrial estate, primary school, village shop, Post Office, butchers, restaurant, two pubs, doctors surgery, recreation ground, church and village hall. Whilst it is acknowledged that some of these services and facilities are on the opposite side of the A49 as noted in the Shropshire Council Highways DC response there are plans to install a pedestrian crossing. In addition employment opportunities are available at 'Fishing in Shropshire' (Church Road), Netley Hall, MiPower and Bulkrite Ltd. A regular bus service operates weekdays between 07.51 and 18.41 to and from Shrewsbury on approximately an hourly basis. As such it is considered that there is an array of essential services and employment opportunities both within Dorrington and within the areas of Bayston Hill, Meole Brace, Shrewsbury town centre to the north and within Church Stretton to the south all of which are accessible by sustainable means of public transport. Dorrington is therefore considered to be a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

**6.2.4** Sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it as '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ② *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ② *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ② *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

**6.2.5 Economic role** – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of more houses will also support local businesses as future occupiers will access and use

local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards infrastructure opportunities identified in the Place Plan which includes the pedestrian crossing.

**6.2.6 Social role** – Dorrington is a relatively large village with a range of essential services and facilities. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities in that and other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The size and mix of the proposed houses will not be submitted for consideration until the reserved matters stage of development. However the provision of an appropriate size and mix will help maintain the balance of housing stock within Dorrington resulting in a more balanced community.

**6.2.7 Environmental role** – The site is an agricultural field with no heritage, cultural or ecological designation. It is arable land with little ecological value with the only feature of any ecological value being a small length of mixed hedgerow on the Western Boundary that will be retained and enhanced with additional landscaping. The proposal would have no adverse impact on wildlife and the ecological value of the site will be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is accessible on foot, public transport or by a short car journey to the array of services, facilities and employment opportunities on the edge of Shrewsbury (Meole Brace) and in Shrewsbury and Church Stretton town centres.

**6.2.8** On balance, taking into account all material planning considerations it is considered that Dorrington is a sustainable location having regard to the three dimensions of sustainable development and that it is a village that can accommodate the additional dwellings over and above the 35 put forward by the Parish Council and local residents as part of SAMDev, subject to a satisfactory scale and design appropriate and proportionate to the size and character of the village.

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

**6.2.1** The appearance, landscaping, layout and scale have been reserved for later approval. However, the application has been submitted with an indicative Block Plan which in Officers opinion demonstrates that the site is considered to be of a sufficient size to accommodate up to a maximum 19 dwellings at an appropriate density in keeping with the local context and character of the layout of properties on Falklands Road which in turn is reflective of the character of Dorrington village.

**6.2.2** Within the Village Design Statement Condover Parish Council considered that developing this site would have the effect of ‘ribboning’ the village – stretching it out – and therefore taking residents/workers further from the village centre. Accordingly

the development of this site for light commercial use was removed from the village design statement as potential development land for Dorrington. However, the site area has been amended to reduce the numbers from a maximum of 28 to a maximum of 19 with the boundary being brought closer towards the village. The indicative block plan illustrates a substantial roadside hedge to the western boundary with the A49 which would be reinforced with structural planting minimising views from the highway. The amended site plan reduces the length of the western boundary with the A49 to approximately 50 metres, which in conjunction with the substantial roadside hedge and structural planting is, in Officers professional opinion, considered to result in a development which would not result in an unacceptable elongation of the village and is therefore supported on these grounds.

### **6.3 Highway and Pedestrian Safety**

**6.3.1** The Parish Council and local residents have expressed concern about highway safety as a consequence of the increased traffic and pedestrian safety in respect of the width of the public footpath running along the western side of the A49. This has been taken into account by Shropshire Council's Highways Development Control Officer who has noted that the Highways Agency has no objection to the development gaining its access off Falkland Road, on to the adjacent A49 trunk road network. SC Highways support this statement and are also of the opinion that both the proposed local access off the existing Falkland Road turning head and the trunk road junction are sufficient for the additional traffic loading from the proposed development. The Highways Officer has noted that the development will be connected to Dorrington Village via the existing footway on the east side of the A49. The Parish Council and local residents have expressed concern about the narrowness of this footpath when entering the village. This pinch point has been acknowledged by the Highways Officer. However, widening works here are prevented by the adjacent buildings. Shropshire Council is actively promoting the construction of a signal controlled pedestrian crossing point in Dorrington Village in order to address the severance caused by the trunk road. The Highways Officer understands that the Highways Agency is looking to construct a crossing point on the A49 in the mid-term future. The Highways Officer has noted that as this is an outline application the exact internal site layout is to yet to be determined, however in principle the indicative layout provided appears to show an acceptable road layout and level of parking provision throughout the site. Accordingly, the highway authority raises no objection to the granting of consent subject to the attachment of a condition and informative.

### **6.4 Impact on local and residential amenities**

**6.4.1** The application has been submitted in outline form with the appearance, landscaping, layout and scale reserved for later approval. However, the indicative block plan illustrates that up to a maximum of 19 appropriately designed dwellings can be accommodated at an appropriate density without resulting in any loss of residential amenity to the properties in Falklands Road to the north. Concerns have also been raised about the retention of a cordon sanitaire (sanitary cordon) between the proposed dwellings and the sewerage treatment plant to the south. The amended block plan has retained a cordon sanitaire between the uses and the proposal has been assessed by the Council's Public Protection Officer who has

acknowledged that the plan shows that the proposed houses will not be built in close proximity to this installation and therefore this service is satisfied that noise does not need to be assessed. The Officer has noted that odour may be noted from time to time but this is not expected to have a significant detrimental effect on the occupiers of the proposed dwellings. Moreover, Severn Trent Water, the sewage works operators have been consulted and have no objection subject to the statutory protection afforded to sewage works being observed.

## **6.5 Surface Water Drainage and Flooding**

**6.5.1** The application site boundary has been reduced to below 1 hectare and a Flood Risk Assessment as originally requested by Shropshire Council Flood and Water Management is no longer required. The site is located outside of Flood Zones 2 and 3 within Flood Zone 1 which has a low probability of flooding and consultation with the Environment Agency is not required. The application has also been referred to Severn Trent Water who have no objection subject to the attachment of a condition requiring the submission of foul and surface water drainage details at reserved matters and an informative in respect of the statutory protection afforded to sewerage works. As such the attachment of these conditions and informative will ensure that the development integrates sustainable water management measures in order to reduce flood risk in accordance with the requirements of CS18.

## **7.0 CONCLUSION**

**7.1** It is appreciated that approving this development would be contrary to the Parish Councils site allocations for the village of Dorrington and would go against the ideals of 'localism'. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of 'ribbon' development or elongate the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed appearance, landscaping, layout and scale will be considered at the reserved matters stage.

**7.2** The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Dorrington is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Church Stretton with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the

completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

## **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:  
 CS1 – Strategic Approach  
 CS2 – Shrewsbury Development Strategy  
 CS4 – Community Hubs and Community Clusters  
 CS5 – Countryside and Green Belt  
 CS6 – Sustainable Design and Development Principles  
 CS9 – Infrastructure Contributions  
 CS11 – Type and Affordability of Housing  
 CS17 – Environmental Networks  
 CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing  
 Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:  
 No relevant planning history.

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Tim Barker
Appendices APPENDIX 2 - Conditions



## APPENDIX 2

### Conditions

#### STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout and scale (herein after called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units  
The means of enclosure of the site  
The levels of the site  
The means of access for disabled people  
The drainage of the site  
The finished floor levels

Reason: To ensure the development is of an appropriate standard.

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

5. Prior to the commencement of the development, full engineering details of the new access road, existing highway works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety.

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

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

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

7. A total of 4 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.

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

8. A total of 6 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 nesting opportunities for wild birds

**Informative(s)**

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request.

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

5. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. We note the inclusion of proposed adoptable roads and therefore if approved a s38 agreement under the Highways Act 1980 will be required with the local highway authority prior to the commencement of the works. The roads are to be designed in accordance with the Shropshire Specification for Estate Roads. The local highway authority will inspect the construction of the road to ensure compliance with the drawings and specification. Key Issues The local highway authority notes that the Highways Agency has no objection to the development gaining its access off Falkland Road, on to the adjacent A49 trunk road network. We support this statement and are also of the opinion that both the proposed local access off the existing Falkland Road turning head and the trunk road junction are sufficient for the additional traffic loading from the proposed development. The development will be connected to Dorrington Village via the existing footway on the east side of the A49. This footway does become narrow when entering the village, however widening works here are prevented by the adjacent buildings. Shropshire Council are actively promoting the construction of a signal controlled pedestrian crossing point in Dorrington Village in order to address the severance caused by the trunk road. We understand that the Highways Agency are looking to construct a crossing point on the A49 in the mid-term future. As this is an outline application the exact internal site layout is to yet to be determined, however in principal the indicative layout provided appears to show an acceptable road layout and level of parking provision throughout the site.
7. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.
8. 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.

9. 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.

10. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped
11. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

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



Committee and date  
 Central Planning Committee  
 3 April 2014

Item  
6  
 Public

## Development Management Report

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

**Summary of Application**

<b><u>Application Number:</u></b> 13/03920/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Outline application (including access with mini island off Longden Road) for a residential development of up to a maximum of 175 dwellings; amenity space and associated works (amended description).		
<b><u>Site Address:</u></b> Land Between Mousecroft Lane And Longden Road Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Wyro Developments Ltd		
<b><u>Case Officer:</u></b> Andrew Gittins		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 347739 - 310614

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**Recommendation:- Grant delegated powers to the Area Planning Manager to grant consent subject to the conditions set out in Appendix 2 and a Section 106 legal agreement to secure the developer contributions as set out in draft in SC Policy response within the report.**

## REPORT

### 1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to update Members on negotiations which have taken place following the 9<sup>th</sup> January 2014 Central Planning Committee where it was resolved to defer the application to enable further negotiations to be undertaken with the applicant with regard to the number of dwellings at the site, provision of recreation and leisure facilities, and the potential for highway improvement works.

1.2 The applicant has confirmed that the scheme would deliver a maximum of 175 dwellings, which accords with the indicative figure for the site set out in the Council's Pre-Submission Draft SAMDev Plan, and amended plans have been received illustrating a proposed mini- island in place of the priority T-junction. A 14 day re-consultation was undertaken on the 5<sup>th</sup> March 2014 to advertise the amended description and amended plan; the additional consultee and public comments are recorded below.

1.3 The Town Council have expressed an interest in developing the play and open space facilities subject to Town Councillor approval and commuted maintenance payments being approved. The Town Council would need to meet with the developer to discuss the scheme and the Town Council's specific requirements on play provision. As the application is for Outline consent with all matters excluding access reserved for later approval, the amount and location of the open space is reserved for later approval.

1.4 Amended plans which illustrate the mini island have been commented on in full by Shropshire Council Highways Development Control in the Additional Comments section below.

### 4.0 REPRESENTATION

#### 4.1 CONSULTEE COMMENTS

##### 4.1.1 SC Planning Policy:

The site is a Pre-Submission Draft (or Final) SAMDev Plan site – land west of Longden Road, proposed to be allocated for approximately 175 dwellings subject to provision of funding for local highways improvements.

Overall infrastructure costs and contributions required to address impacts arising from the development have been identified in accordance with the approach agreed by Cabinet on 24th July 2013 in the report on Place Plans Review, linked to Core Strategy Policies CS2 and CS9, and the Council's Developer Contributions SPD. The package of total costs for the delivery of infrastructure for the site, based on a 175 home development, has been agreed with the applicants to be £1,002,325, with the overall contribution being £1,143,445m when the CIL Neighbourhood Fund at 15% and administration at 5% are added. The infrastructure costs package is made up of:

Contribution to Strategic Road Network: £245,700  
Contribution to town-wide highways network and sustainable transport: £202,500  
Contribution to local highways network: £80,000  
Education contribution: £349,125  
On-site play area provision and maintenance: £125,000  
Total: £1,002,325

The infrastructure contributions will be provided through a combination of CIL and S106 Agreement payments. Final CIL liability will be determined when firm floorspace figures are submitted as part of a subsequent detailed application. The costs of the provision and management/maintenance of amenity open space and natural/semi-natural open space provided as part of the development's 'on-site design' requirements are separate and additional. Officers confirm that the contributions package is in accordance with the Council's agreed approach to ensuring that adequate funding is secured for infrastructure provision from major housing developments in Shrewsbury, and as agreed to be necessary to address identified impacts of the development and to meet the tests set out in Regulation 122 of the CIL Regulations.

The agreed contributions form part of the benefits from the development to which regard should be had in assessing the proposals in line with the NPPF presumption in favour of sustainable development. The Council should also have regard to the aims of the NPPF in terms of boosting housing supply, with the degree that the proposed development would contribute to housing supply in Shrewsbury, and evidence provided by the applicant regarding planned delivery, material considerations.

**4.1.2 SC Highways DC:** We refer to the above application which was deferred by the Central Planning Committee on 9<sup>th</sup> January 2014 to "...enable further negotiations to be undertaken with the applicant with regard to the number of dwellings at the site, provision of recreation and leisure facilities, and the potential for highway improvement works."

Since the committee meeting the local highway authority representatives have been in discussion with the applicant and their agents in order to resolve the highway concerns raised by the councillors. Principally, the highway issues raised by the members concerned the following points:

- Would a mini-roundabout be more appropriate for the site access off Longden Road?
- Further information required for the Shropshire Council proposed improvement works to Longden Road/Roman Road Roundabout.
- Concern was raised over the timing of the development traffic survey in July 2013 and that any congestion/delays may not have been properly assessed.
- The impacts to Stanley Lane and Mousecroft Lane should be considered again and mitigation works proposed if required.

As requested by the committee, the local highway authority and the applicant's transport agent have now investigated each of the above points and we are now in a position to provide further information which should enable the committee to reconsider the application. A meeting was held on 13<sup>th</sup> February with Councillors Owen, Roberts and Evans and the applicant to discuss the forthcoming details. Please find below a summary of the additional information and our supplementary comments in response to this application:

**Would a mini-roundabout be more appropriate for the site access off Longden Road?**

The applicant's transport consultants Mayer Brown Ltd. have investigated the possibility of constructing a mini-roundabout for the site access, in place of the priority T-junction previously proposed. Through discussion with the local highway authority, a junction design has been developed which is considered acceptable in principle. However if the application is approved, the detailed design of this junction would require technical approval by the local highway authority, and an agreement made under the relevant section of the Highways Act 1980.

Referring back to our initial advice on this application, the T-junction previously proposed was acceptable in principle for the scale of development proposed and we view the mini-roundabout now proposed as an 'enhancement' offered by the development. In our opinion the mini-roundabout design provided follows good practice as it offers deflection on both Longden Road approaches and would have a raised central 'dome'. The junction would constitute a traffic calming feature on Longden Road and coupled with the new visible frontage introduced by this development, these changes offer the opportunity to extend the existing 30mph speed limit on Longden Road.

The proposed mini-roundabout junction also provides a refuge type crossing point on the rural approach to the junction, so this crossing point would be beneficial to people walking to the adjacent business park from the site and Mousecroft Lane.

The applicant has provided an ARCADY assessment for the proposed junction, which demonstrates that all arms of this junction would operate well within capacity with no queues predicted during peak times. To clarify, even when considering five year traffic growth at this junction no 'queues' should occur at this junction under normal operating conditions. A swept path analysis has also been carried out which demonstrates the junction can accommodate large HGV's travelling to the adjacent business units.

**Further information required for the Shropshire Council proposed improvement works to Longden Road/Roman Road Roundabout.**

As we have previously outlined, the focus of the traffic impact from this development would be at the Roman Road/Longden Road roundabout which is demonstrated in the Transport Assessment provided with the application. Due to the constrained nature of this junction and the volume of daily traffic using each of the arms, delays are experienced here during busy times. During the SAMDev process, this junction was one of several locations identified as requiring



improvement works to accommodate development in the west and south of Shrewsbury and therefore it is considered to be included as a 'critical priority' in the Shrewsbury Place Plan 2013/14 on page 69 under the heading 'Junction capacity and local highway network capacity improvements'.

Consequently as a larger development, this site is required to pay a local highway network contribution under a s106 agreement which would be used towards the financing of improvements at Roman Road/Longden Road and the other junctions along this corridor. However, being as this development would have a targeted impact at the above junction an additional local contribution of £50k has been agreed with the applicant. For clarity, an improvement scheme is planned to be delivered here by Shropshire Council on the back of this and other developments and beyond providing the required s106 funding, no actual works are required to be undertaken here by the applicant.

Since the committee's deferral of this application, Shropshire Council highways and our term consultant; Mouchel have carried out a conceptual design investigation at this junction with the objective of preserving capacity and balancing out the needs for all road users here, particularly students walking and cycling to the adjacent schools. One of the principal limiting factors to this junction is simply space; the junction is very compact and the relatively small size of the circulatory carriageway limits capacity. In basic terms, to increase capacity of a roundabout it must increase in size and the approaches should increase in width; but given the constrained nature of this location it is not feasible to increase the size of the roundabout, nor would this provide any benefit for people (particularly children) crossing the junction arms. Moreover it is likely this would result in overall reduced safety at the junction, as with an increase in roundabout size usually results in increased vehicle speeds.

Consequently the most suitable option available to balance out the needs of all road users at this junction is to provide a traffic-signal controlled cross roads with push-button controlled pedestrian/cycle 'Toucan' crossings where required. A conceptual design has been produced for the junction and is shown in Annex A to this note, however we must remind the committee that this information is not material to the consideration of this application as this is a Shropshire Council scheme, with us undertaking our statutory duties as the local highway authority. Also, we remind the committee that an improvement scheme will be required at this location in the future irrespective of this development under consideration, if other developments are built in the west and south of Shrewsbury at SAMDev allocated sites.

Mouchel were commissioned to evaluate the conceptual design and a LINSIG traffic model has been produced which assesses the capacity of the traffic signal layout and includes 'controlled' pedestrian crossing movements (I.E. those made under a green man signal). This has been compared with the junction assessment of the existing roundabout provided by the applicant in their Transport Assessment. Without going in to the specific technical details of this assessment, the overall results show that the proposed traffic signal junction would operate more efficiently than the current roundabout junction layout which is a very positive result considering the introduction of controlled crossing points. We also point out that a signal junction here would be 'intelligently' controlled which would yield further capacity benefits which we are unable to accurately model.

We must point out that a traffic signal scheme at this junction is subject to further investigation and design, which would be timed to coincide with developer funding, as the payment of s106 contributions is linked to the construction and sale of houses. Also, the scheme will be subject to a public consultation exercise once further design work has been carried out. As a ball-park figure, we estimate that a traffic signal scheme here will cost in the region of £500k.

**Concern was raised over the timing of the development traffic survey in July 2013 and that any congestion/delays may not have been properly assessed.**

A number of objectors to this application and the committee raised concern over the timing of the applicant's traffic surveys, as these were carried out on or leading up to 16<sup>th</sup> July 2013 when year six students had left both the nearby secondary schools; the argument has been put forwards that this would have resulted in a lower number of vehicles being recorded. The local highway authority has always maintained that the counts collected were valid, on the basis that older secondary school students tend to travel to school independently and are therefore not dropped off by their parents.

In response to this, we requested that the applicant 'validate' their traffic surveys by comparing the data collected with a new count and recent survey data provided by Shropshire Council. We supplied a number of recent existing traffic surveys carried out on Longden Road and Roman Road and the applicant carried out a new survey during the first week of February 2014. This data was used to 'validate' the July 2013 surveys by comparing the new data to the original data collected, in order to check the numbers used in the assessment were robust. The results of this assessment showed that the results of the new survey were in-line with the original data collected, with a maximum variation of -6% to +3% when comparing the new data for each of the peak traffic periods counted (I.E. during the most recent survey data in one period 6% LESS traffic was recorded and in another 3% MORE traffic was recorded). In fact, in comparing the cumulative counts for the peak periods there was a variation in just 5 vehicles less in the most recent count (2059 vehicles counted in 2013 and 2054 vehicles counted 2014).

As the results of the validation assessment show that the July 2013 survey data was representative of the normal traffic conditions in the area of Shrewsbury, a wholesale repeat of the traffic surveys and traffic models is not required.

**The impacts to Stanley Lane and Mousecroft Lane should be considered again and mitigation works proposed if required.**

We have given further consideration to the potential for increased traffic movements along Stanley Lane and therefore Meole Village and the local highway authority maintain the opinion that a notable increase in vehicle movements along this route as a result of this development is unlikely for the following reasons: a traffic calming scheme and 20mph zone is due to be delivered during the summer break outside Meole School on Stanley Lane which includes speed cushions. Also the junction between Upper Road and Roman Road suffers some delay at peak

times. Considering both of these points, this would make this route unattractive to 'rat-run' movements. Granted the alternative route along Longden Road suffers from delay, but queues here are slow moving and journey times are normally reliable so this route is more desirable. Even if a traffic signal scheme is provided at the Upper Road junction, the delays to Upper Road would remain and only the reliability of tuning movements on to Roman Road would improve.

With regards to Mousecroft Lane, we accept that some people from the development site will chose this route to access the A5 by-pass via Edgebold Roundabout, but again we maintain our view that due to the narrow, rural nature of this lane it will not be attractive for a significant increase in vehicle movements and will 'self regulate'. However, accepting the members and residents concerns we propose that either a 30mph speed limit or a 'Quiet Lanes' scheme be provided on the route between Longden Road and Hanwood Road. We have discussed this with the local councillors who are generally supportive of a scheme, but we are yet to agree the exact details. In either case, the scheme would be delivered by Shropshire Council as the local highway authority and we would use some of the local highway s106 contributions from this development to fund this.

#### **Other highway issues recently raised regarding this development:**

During the consideration of this development, both Meole Brace School and the Priory School have raised concern over the number of blue-light emergency response trips made by ambulances on Longden Road and that this has the potential to increase risk to students travelling to and from the schools. Shropshire Council officers and members are due to meet with the schools to discuss this in , however we would advise the following in considering this application:

Clearly the construction of (up to) 175 new houses off Longden Road will increase the number of vehicles travelling past both secondary schools, however leading up to and during school opening and closing times this area of Longden Road is generally busy with slow-moving traffic queues. These queues are caused by a number of factors including people using the two pedestrian crossings, vehicles turning in to the schools and nearby junctions, parent's vehicles stopping to drop off students on Longden Road and queues back from the Longden Road/Roman Road roundabout. Therefore traffic conditions here during peak times tend to be high-volume but slow moving below the posted 30mph speed limit. Consequently any increase in traffic movements on Longden Road may extend queue lengths but should have little or no effect on traffic speeds and nor should it impact the safety of students travelling to the schools.

We agree that it is not desirable for blue light response vehicles to be travelling past the schools during the peak periods, as was raised by the local highway authority during the consideration of the West Midlands Ambulance Service (WMAS) ambulance maintenance hub (note this is maintenance hub and not a response unit). However, emergency response vehicle drivers are specifically trained to deal with busy traffic conditions and to make progress whilst being mindful of public safety at all times; these are rigorously trained professional drivers and WMAS have a specific risk assessment for negotiating this area of Longden Road during busy periods.

This is an existing issue, which is unlikely to be affected by this development and therefore we advise that this should not be a material consideration in the determination of this development. As a separate matter, the local highway authority will continue to hold discussions with the schools and if required, WMAS over this issue.

A s106 contribution has been agreed in principle to extend the existing off-carriageway Longden Road cycle route from Meole Brace School down the hill to the development site. Upon initial inspection of the Land Registry title plans and highway records for the frontage along the south eastern side of Longden Road to the west of Stanley Lane, it appeared that there may be sufficient highway verge available to widen the existing footpath. However following a discussion with the resident of Fourways, it has become apparent that the land records are misleading and therefore some sections of the verge here are private. As the residents do not wish to sell any land here, instead the extended cycle route will be terminated at the Stanley Lane crossroads and people cycling will be directed to either rejoin Longden Road or to use Mousecroft Lane to access the new development site. We will consider the provision of measures on Mousecroft Lane in developing a speed limit or quiet lanes scheme as referenced above.

**Conclusion:**

The local highway authority is of the opinion that the applicant has now addressed the concerns raised by the Central Planning Committee and therefore we recommend the application be approved by committee.

**APPENDIX A.**

Proposed Shropshire Council highways improvement scheme at Longden Road/Roman Road Roundabout. (SEE DRAWING NUMBER 1058764-P-03-1202).

**4.2 PUBLIC COMMENTS**

**4.2.1** In total 43 letters of objection have been received objecting to the proposal on the following material planning grounds:

- Principle of development on greenfield site, outside urban area boundary which would have an adverse impact on the character of the countryside.
- Time, duration and location of traffic survey not true representation of congestion during peak times on the local highway network which already accommodates traffic from two secondary school, hospital and ambulance hub.
- Impact of construction traffic on local highway network.
- Additional plans fails to show details of carriageway width and the location of pedestrian and cycle paths. It is considered that the carriageway is of an insufficient width to safely accommodate the increased traffic.
- Proposed highways improvements are insufficient to solve existing problems and no further development should be permitted until link to A5 and school zones are established.
- Housing projections based on data from Office for National Statistics which

have proved to be inaccurate resulting in more homes for Shrewsbury than required, leading to irreversible loss of green land.

- Revised plan fails to illustrate details of specific house types, positioning or green space areas. With regard to the existing waterlogging problems these details are needed to make an informed decision.
- Impact on surface water flooding of neighbouring properties.
- Adverse impact on local amenities.
- Impact on local school places.
- 

**4.2.2** One letter received supporting the scheme for the following reasons:

- Integration of roundabout will aid with the traffic speeds and crossing points will provide safer access for future residents to schools and surrounding area and will provide better infrastructure for the evolving commercial hub.
- Concerns about drainage however this can be controlled by SUDS.

**4.2.3** Officers are of the opinion that the material planning reasons raised have previously been addressed in the report to Committee on the 9<sup>th</sup> January 2014, with additional comments in respect of the revised highway details addressed by Shropshire Council's Highways Development Control Managers comments above.

**7.0 CONCLUSION**

**7.1** Officers are of the opinion that the revised indicative maximum number of 175 dwellings; the amended plans illustrating the proposed mini island; the other highway improvements and traffic management measures planned in the area to be delivered by the Council but to which the development is contributing appropriately; and the additional discussions which have taken place between the development and Shrewsbury Town Council in respect of the provision and maintenance of the play and open space facilities adequately address the reasons for deferral and the recommendation remains as set out above for the reasons previously recorded in the report to Committee on the 9<sup>th</sup> January 2014 (attached as Appendix 1).

APPENDIX 1



Committee and date
9 <sup>th</sup> January 2014

Item
Public

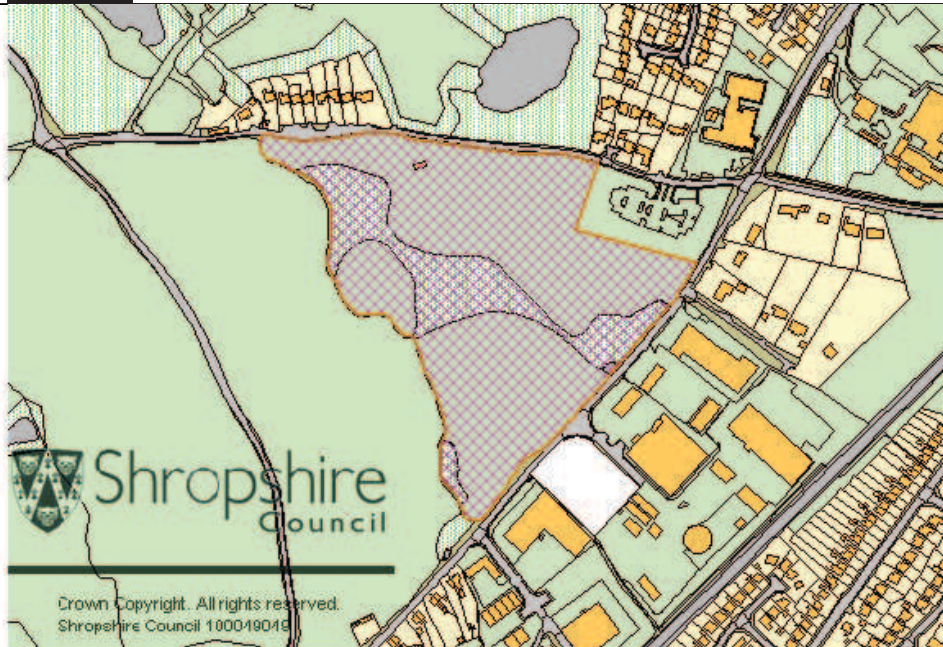
Development Management Report

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

Summary of Application

<b>Application Number:</b> 13/03920/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Outline application (access for approval) for mixed residential development; formation of new vehicular access; amenity space and associated works		
<b>Site Address:</b> Land Between Mousecroft Lane And Longden Road Shrewsbury Shropshire		
<b>Applicant:</b> Wyro Developments Ltd		
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347739 - 310614



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**Recommendation:- Grant delegated powers to the Area Planning Manager to grant consent subject to the conditions set out in Appendix 1 and a Section 106 legal agreement to secure the developer contributions as set out in draft in SC Policy response within the report.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1** The application is for a residential development of up to 200 dwellings along with new access, amenity space and associated works. The application has been submitted as an outline with all matters other than part access reserved for later approval.
- 1.2** The application would be subject to a Section 106 legal agreement to secure developer contributions.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1** The site is located on the south western outskirts of Shrewsbury approximately 2 miles from the town centre. The site is bound by Longden Road to the east, Mousecroft Lane to the north and agricultural land to west which is separated from the site via a small watercourse. The site is located in Flood Zone 1 which has a low probability (less than 0.1%) of flooding. The site is located adjacent to the Shrewsbury Urban Area boundary as illustrated on the Inset Map attached to the SABC Local Plan. The north eastern corner of the site is used as a car park in association with the Nuffield Hospital which together with residential properties of two and three stories is located to the north across Mousecroft Lane with light commercial uses located across Longden Road to the east. The 7 hectare (17 acres) site is currently in arable use and is farmed by a tenant farmer. The topography of the land is relatively shallow with a slightly steeper section in the north western corner. The site is bound by a mature hedgerow interspersed with mature trees.

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

- 3.1** Shrewsbury Town Council have submitted a view contrary to officers recommendation for approval based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager or Principal Planning Officer in consultation with the committee chairman, vice chairman and the Local Member agrees that the Town Council has raised material planning issues and that the application should be determined by committee.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

- 4.1.1 Shrewsbury Town Council:** Whilst the Town Council has supported the inclusion of this site in the SAMDev proposals it should not be assumed that it will automatically approve an Outline Application.

Members are somewhat alarmed to learn that this outline application is to facilitate

the development of 200 houses, when previous discussions as part of SAMDev have limited development to this site to 175 houses.

We have already raised the problems of traffic management from this development site to the Longden Road junction with Roman Road and traffic has been exacerbated of late by the establishment of the Ambulance Depot in this area.

Members fail to understand how one route in/out of this site shall accommodate what could quite easily be a site catering from 400 vehicles. We note on plans that provision is to be made for emergency access from Mousecroft Lane but given that this is already developing as a quicker rat run route to/from the A5 we question whether traffic management has been thought through thoroughly enough.

Members feel unable to support this development given the scant details within the application, particularly since we have seen other developers promoting SAMDev sites for outline with far more detail.

**4.1.2 SC Policy:** The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, which remains in effect, although regard should be had to the NPPF provisions relating to housing policies being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Core Strategy Policy CS2 Shrewsbury Development Strategy is particularly relevant as it sets out a range of policy considerations including, as a priority for the allocation/release of land for development, 'other sustainable housing land releases on the edges of Shrewsbury, identified in the SAMDev DPD, to provide the balance of the housing land required'. Paragraph 216 of the National Planning Policy Framework then explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies.

The site is a SAMDev Plan Preferred Option site – land west of Longden Road, proposed for approximately 175 dwellings. The issues arising from the Preferred Options consultations have been considered by officers and a Shrewsbury Joint Members SAMDev Plan Working Group, with the Group not seeking any change with regard to the site, subject to any development appropriately addressing its impacts on the local highways network. Following on from the Revised Preferred Options consultations stage, the Group has confirmed its recommendation that the site be considered suitable in principle to form one of the 'other sustainable housing land releases on the edges of Shrewsbury' to be identified in the SAMDev DPD, and it can be expected to be taken forward into the Final Plan (subject to Cabinet and Council decision) early next year for the final pre-submission publication representations period. The Joint Member Group was made up of a number of the Shropshire Councillors for Shrewsbury and Shrewsbury Town Councillors, and met on three occasions in 2013.

With the current outline application, the site is being brought forward as envisaged in the emerging SAMDev Plan, with specific attention being paid to the impacts of the development on the local highways network. Furthermore, overall infrastructure costs and contributions required to address impacts arising from development have been agreed in accordance with the approach agreed by Cabinet on 24th July 2013



in the report on Place Plans Review, linked to Core Strategy Policies CS2 and CS9, and the Council's Developer Contributions SPD. The package of total costs for the delivery of infrastructure for the site, based on a 200 home development, has been agreed with the applicants to be £993,600 (subject to finalisation), with the overall contribution being £1,121,600 when the CIL Neighbourhood Fund at 15% and administration at 5% are added. The infrastructure costs package is made up of:

Contribution to Strategic Road Network - £282,100  
Contribution to town-wide highways network and sustainable transport - £232,500  
Contribution to local highways network - £80,000  
Education contribution - £399,000  
Total - £993,600

These figures are draft pending finalisation. In particular, if an equipped on-site play area is required an additional sum of £125,000 will be included to cover the costs of provision and the associated commuted maintenance payment. Also, the contributions reduce proportionally if the number of dwellings consented reduces from 200 when a detailed application is determined.

The infrastructure contributions will be provided through a combination of CIL and S106 Agreement payments. The costs of the provision and management/maintenance of amenity open space and natural/semi-natural open space provided as part of the development's 'on-site design' requirements are separate and additional. Officers confirm that the contributions package is in accordance with the Council's agreed approach to ensuring that adequate funding is secured for infrastructure provision from major housing developments in Shrewsbury, and as agreed to be necessary to address identified impacts of the development and to meet the tests set out in Regulation 122 of the CIL Regulations.

The agreed contributions form part of the benefits from the development to which regard should be had in assessing the proposals in line with the NPPF presumption in favour of sustainable development. The Council should also have regard to the aims of the NPPF in terms of boosting housing supply, with the degree that the proposed development would contribute to housing supply in Shrewsbury, and evidence provided by the applicant regarding planned delivery, material considerations.

#### **4.1.3 SC Highways: Recommendation**

The highway authority raises no objection to the granting of consent, providing a s106 contribution is made towards improving the Roman Road/Longden Road roundabout and to provide an off-carriageway cycle link to connect to the existing network.

##### Key Issues

- This site is a SAMDev preferred option site and has therefore been subject to extensive consultation and is considered to be suitable for development.
- All vehicular access to the site is proposed to be gained from Longden Road via a simple give-way T-junction.
- Longden Road suffers localised congestion between

Meole Brace School and Roman Road Roundabout. • The site will generate additional traffic movements on the surrounding local highway network and the site will have a negative impact on the Longden Road/Roman Road roundabout, for which a s106 contribution is required. • Contributions are required towards strategic network enhancements as defined in the planning policy officer's response. • In terms of access, this is deemed to be a sustainable site with employment and schools located nearby; connection to the local cycle network from the site has been agreed in principal and opportunities for improved bus connectivity are available. A suitable travel plan for the site has been submitted.

## Background

The area of Longden Road to the north-east of the site suffers from localised congestion during school opening and closing times. This is due to having two large secondary schools and associated signal controlled crossing points in close proximity on opposing sides of Longden Road. However whilst there are some delays to vehicle travel times here, any queues tend to be slow moving and not stationary. The delays are satisfactory given the local conditions and we consider that the additional movements generated by this site should not have a significant impact on delays here.

It should be considered that outside of school opening and closing times, the highway network surrounding the site operates well.

The local area manager for highway development met with the applicant's transport agent prior to them carrying out their transport assessment for the proposed development. The local issues were explained in detail to the agent and some observed on site. The proposed site access arrangements were also discussed and agreed in principal on site.

We have expressed a number of concerns over the transport assessment originally provided with the application, as the report did not take in to consideration all of the local issues discussed on site; you will note some of the issues from our previous correspondence recorded on this matter. However, an updated transport assessment has not been provided which we're satisfied that it fully appraises the impacts of the development. We note at this time the revised transport assessment has not been uploaded on to the public planning pages, so we recommend that this document is made public.

Principally the two main areas of potential impact are at the Bank Farm Road junction and the Roman Road roundabout. The assessment proves that even with the additional vehicle movements from the development and considering the existing queues here, the Bank Farm Road junction will operate within capacity and the development will have a marginal impact here. The roundabout has also been assessed and the results show that this junction already operates over capacity on some arms. With future traffic growth and additional movements generated by the development queues at this junction will continue to grow, particularly on the Roman Road north arm.

The local highway authority are already aware of the need to tackle the capacity issue at the Roman Road/Longden Road roundabout considering the potential

impacts of developments on the western side of Shrewsbury. A s106 contribution of £50k is required from the applicant towards improvements at this junction as the development will have a direct impact here. This is over and above the strategic network town-wide contributions required from all large residential developments. We are commissioning a feasibility study of this junction by our consulting engineers, with a view of maximising capacity and balancing out the needs of all traffic here; including the many children who have to cross this junction to access the schools.

The potential for traffic movements from the site travelling through Meole Village has been considered and whilst it is inevitable that some journeys will pass through the village, we consider these will be regulated to a small number by the proposed traffic calming due for installation on Stanley Lane and the existing delays at the Upper Road junction. Therefore we consider that the development should not have a notable impact on Meole Village.

The proposed site access is to be located off Longden Road within the existing national speed limit. However, the local highway authority is due to provide a new 40mph speed limit 'buffer' here which will be installed before the end of year 13/14. Therefore the road fronting the site should be considered to be 40mph and the access has been designed as such. The access has been assessed in the transport assessment and is suitable for the number of dwellings proposed.

Further walking and cycle accesses are proposed on to Longden Road near the Nuffield car park and on to Mousecroft Lane; the latter also forming an emergency access to the site should the main access road become blocked.

In order to improve the sustainability of the site, a s106 contribution is required to extend the existing off-carriageway cycleway from its existing terminus outside Meole Brace School up to the proposed pedestrian and cycle access next to the Nuffield car park. Options were also explored to provide a new footway on the same side of the road as the new development to link to the existing terminus at the Toucan crossing at Bank Drive. However, we consider that this could be counter-productive as it may encourage unsuitable crossing movements by children travelling to the school before the crossing point. Instead it should be safer for them to cross Longden Road from the development accesses as traffic flows here are lighter and visibility is good.

A travel plan for the proposed development has been submitted which suggests a number of practical initiatives which will support and encourage sustainable travel to and from the site. According to the plan, the developer would actively encourage new residents to travel sustainably by giving them information regarding the travel options available to them. One of the suggestions made by the plan to enhance travel options from the site is to divert the existing Meole Village bus service Number 26 on its outward leg along Longden Road and Stanley Lane, where a stop could be provided. This could be placed less than 150m from the development and given that it's a half hour service, this would be a convenient way to travel in to the town centre. As this is a commercial service, this will require negotiation with the operator. However, the proposed diversion is not onerous and should result in an increase of patronage.

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

**4.1.5 SC Public Protection:** It has been demonstrated in the noise assessment provided with the application that in order to meet suitable noise standards mitigation is required in buildings which are within 16m of Longden road with no screening in place from other structures. Glazing properties have been suggested which will allow internal noise to be reduced to acceptable standards and states that there may be the need for other means of ventilation should the local planning authority state that noise standards should be met with a means of ventilation. It is recommended that appropriate noise levels internally should be met with windows open to allow ventilation or that other means of ventilation should be available should windows need to be kept closed in order to meet appropriate noise levels.

The noise assessment also states that mitigation would be required in garden areas that are within 16m of Longden Road and suggests the possible use of close boarded fencing should this be the case. As the installation of close boarded fencing may reduce noise at the facade of the properties and therefore internally this may reduce the noise reducing properties of the glazing required to achieve acceptable internal noise levels. It would therefore not be appropriate to condition the glazing specification suggested within the report as this may not be required should close boarded fencing be installed. As a result it is suggested that a noise mitigation survey is made a condition of any approval.

Having considered the air quality assessment it is considered that the conclusions have been accepted and therefore no air quality mitigation is required. However the installation of electric vehicle charging points at all residential dwellings with off road parking is highly advocated. This encourages sustainable transport uptake by future occupants which will help to reduce air pollution wherever those vehicles may travel. It is therefore recommended that any future application states the intent for the installation of electric vehicle charging points to all dwellings with designated off road parking. In this way the development can add to its sustainable credentials. Electric vehicle charging points typically require a 16 amp power supply and are relatively inexpensive to put into a garage or onto a driveway when a dwelling is built however can be a considerable cost if trying to retro fit a building in future. The inclusion of electric vehicle charging points may be conditioned at reserved matters to ensure their inclusion.

**4.1.6 SC Trees:** No objection in principal to the development of this land. It is recommended that the arboricultural constraints plan be used to inform the layout of the site, making provision to protect existing trees of reasonable amenity value and to provide space within the development to plant new trees of species which will develop large canopies at maturity.

**4.1.7 SC Ecology:** Recommendation: The plans should show a 10m minimum wildlife corridor created along the western boundary of the site. Risk Avoidance Measures for great crested newt must be submitted and thereafter conditioned. Suggested conditions and informative(s) should be attached to any consent.

### **Great crested newt**

With the exception of the hedgerows, the applicant site provides no suitable habitat for great crested newts. However, there are 6 ponds within a 500m metre radius of the site and, where accessible, these were assessed for their suitability as great crested newt breeding habitat using Oldham's Habitat Suitability Index.

Three were assessed as having poor suitability of for great crested newts, one (Pond 2 – 285m from the site) as average and one (Pond 3 – 205m from the site) as good.

Julie Underhill (2013) considers that other factors significantly reduce the likelihood of great crested newts occupying the applicant site whether or not great crested newts are present in the ponds:

- ❑ A road separates all of these ponds from the applicant site; roads that carry in excess of 20 vehicles an hour are considered to present a significant barrier to the directional movement of newts;
- ❑ The application site comprises an arable field that is regularly ploughed and does not constitute favourable habitat for newts.

A survey of the ponds with great crested newt potential has not been carried out. The ploughed areas will not now have potential as terrestrial GCN habitat, however the stream course and it's margins do still have some potential. We also do not agree that Mousecroft Lane is a complete barrier to newt movement. However if the stream course and the 10 metre buffer recommended below are excluded from the development area, then we would agree that, with adoption of Risk Avoidance Measures that a European Protected Species licence would not be required.

The agents should be asked to supply Risk Avoidance Measures for great crested newts prior to determining the application. A suggested informative should also be attached to any consent:

### **Badgers**

No setts or other signs to indicate occupation of the Site by badgers were found during the survey, although a main sett was found over 30 metres from the site. One set of badger prints was found in the ploughed earth along the stream margin so it is likely that badgers use the land for foraging.

### **Bats**

Julie Underhill (2012) reports that no potential roosting features (rot holes, splits in bark etc.) were detected on any of the trees on the Site. Trees and scrub along the stream may provide foraging and commuting opportunities for the bats but the hedgerows are generally too intensively managed to be of value in this respect. A condition controlling lighting in relation to bats, particularly any that would illuminate the stream course or Mousecroft Lane (habitat on the north side of the Lane is of high value for bat foraging) is recommended:

## **Nesting birds**

The hedgerows, trees and scrub present at the Site margins are likely to provide habitat and foraging opportunities for a number of bird species. A suggested informative should be added to any consent.

## **Environmental Network**

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

The stream and it's margins are within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

In order to achieve this, a buffer zone is required along the stream course of at least 10 metres and preferably 20 metres. I note that the site layout on Page 9 of the Design and Access Statement shows creation of a wildlife corridor but the southern section of the stream course is pinched by high density development. A condition is recommended to protect the Environmental Network:

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

The current prevailing target rate for affordable housing in this area is 20% this would mean a provision of 40 Affordable houses on site. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before the reserved matters application is submitted.

- 4.1.9 SC Conservation:** No comments.

- 4.1.10 SC Archaeology:** The proposed development site comprises a c7ha site on the southern edge of Shrewsbury which currently utilised as a single arable field. The Shropshire Historic Environment Record indicates that the field immediately to the west contains earthwork and below ground remains of an enclosure of probable Iron Age – Roman date (HER PRN 02494), together with an area of post-medieval coal workings (HER PRN 06776). It has also been suggested that Mousecroft Lane, immediately to the north of the site, follows the line of a Roman road (HER PRN 00057). As a consequence, the area of the proposed development site has

been assessed as having moderate archaeological potential for features of Iron Age – Roman date. RECOMMENDATION: An archaeological Desk Based Assessment by CGMS Consulting been submitted as part of the application. I confirm that this provides a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF. I should, however, point out the circular earthwork feature and possible trackway identified within the Assessment immediately to the west of the site (e.g on pg. 17) are, in my opinion, likely to represent features associated with the post-medieval coal workings in the same field (HER PRN 06776). The historic editions of the Ordnance Survey map included as Figures 5 and 6 in the assessment indicate that at least two shafts existed in this field, and these have also been identified by The Coal Authority. With reference to Figure 8, the similarity between the areas of spoil around these former shafts and the previously unrecorded mound suggests that the latter feature may represent an outlying shaft linked to the main area of working by a tramway (the trackway identified in the Assessment). Given their proximity to it the proposed development site, there is a possibility that similar features may also be present within the site boundary. I understand that this possibility is also flagged to some degree within the Ground Condition Desk Top Study by Mayer Brown. I concur with Desk Based Assessment's conclusions about the archaeological potential of the proposed development site, and also with the mitigation measures proposed in Paragraph 6.5 of this report. On this basis, and in line with Paragraph 141 of the NPPF, I recommend that a phased programme of archaeological work, to consist of an initial field evaluation comprising of a pre-commencement geophysical survey and targeted trial trenching, followed by further mitigation as appropriate, be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent has been attached.

**4.1.11 Severn Trent Water:** No objection subject to the attachment of a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage.

#### **4.2 Public Comments**

**4.2.1** 32 Letters received objecting on the following material planning grounds:

- Traffic
- Highway safety
- Impact on local amenity
- School places
- Principle of greenfield development

#### **5.0 THE MAIN ISSUES**

**Principle of development**

**Siting, scale and design of structure**

**Impact on local and residential amenities**

**Impact on local road network, congestion and highway safety**

**Surface water drainage**

**Impact on natural environment**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

**6.1.1** The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, which remains in effect, although regard should be had to the NPPF provisions relating to housing policies being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites. Core Strategy Policy CS2 Shrewsbury Development Strategy is particularly relevant as it sets out a range of policy considerations including, as a priority for the allocation/release of land for development, 'other sustainable housing land releases on the edges of Shrewsbury, identified in the SAMDev DPD, to provide the balance of the housing land required'. Paragraph 216 of the National Planning Policy Framework then explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies.

**6.1.2** The site is a SAMDev Plan Preferred Option site – land west of Longden Road, proposed for approximately 175 dwellings. The issues arising from the Preferred Options consultations have been considered by officers and a Shrewsbury Joint Members SAMDev Plan Working Group, with the Group not seeking any change with regard to the site, subject to any development appropriately addressing its impacts on the local highways network. Following on from the Revised Preferred Options consultations stage, the Group has confirmed its recommendation that the site be considered suitable in principle to form one of the 'other sustainable housing land releases on the edges of Shrewsbury' to be identified in the SAMDev DPD, and it can be expected to be taken forward into the Final Plan (subject to Cabinet and Council decision) early next year for the final pre-submission publication representations period. The Joint Member Group was made up of a number of the Shropshire Councillors for Shrewsbury and Shrewsbury Town Councillors, and met on three occasions in 2013.

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

**6.2.1** The application is an outline proposal with all matters, other than access reserved for later approval. As such the appearance, landscaping, layout and scale of the development are not under consideration. The Town Council have objected to the development on the basis that it is for 200 homes. However this is a maximum number with the actual number determined by the submission of site layout, floor and elevation plans at reserved matters. The numbers indicated in the emerging SAMDev Plan are approximate and indicative. The promotional material from the developer had indicated between 150-200, and for indicative purposes Shropshire Council Planning Policy selected a median figure of 175. This is not a maximum figure and the density of the development is not being considered at this stage but will be informed by the master-planning of the site, including provision of a mix of type and affordability of housing and provision of adequate green space.

### **6.3 Impact on local and residential amenities**

**6.3.1** As noted the application site is located to the south of the Nuffield Hospital and residential properties across Mousecroft Lane and to the west of commercial uses across Longden Road. The proposed access would be to the south of the Nuffield car park located in the north-east corner of the site which provides a buffer between



vehicles entering the site and the hospital and residential properties to the north. Whilst it is acknowledged that the proposal will result in greater volumes of traffic which will alter the local amenity of the area the principle of the scheme is acceptable and the proposed location of the access will minimise the impact the amenities of neighbouring properties. The submission of appropriate details at the reserved matters stage will ensure that the proposal protects the amenities of these neighbouring properties in accordance with the requirements of CS6.

#### **6.4 Impact on local road network, congestion and highway safety**

**6.4.1** The application has been submitted with a Transport Assessment, amended by the submission of Revision B on 22<sup>nd</sup> November 2013 which has been assessed by the Council's Highways Development Control Officer who comments have been included in the Consultee Comments section above (4.1.3). It is acknowledged that the large majority of letters received object on the grounds of traffic and highway safety with reference to the excessive traffic on Longden Road caused by two secondary schools (Meole and Priory), ambulance hub, business park, hospital and two primary schools (Meole Village and Radbrook Green) with Mousecroft Lane used as a cut-through to the A5. All of these concerns have been considered by SC's Highways Officer who has no objection subject to the attachment of a condition.

#### **6.5 Surface water drainage**

**6.5.1** Core Strategy Policy CS18 requires developments to integrate measures for sustainable water management to reduce flood risk. In accordance with national validation requirements the application has been submitted with a Flood Risk Assessment (FRA) as whilst the site is located within Flood Zone 1 where there is a low (less than 0.1%) probability of flooding the site area exceeds 1 hectare in area. The FRA has been assessed by the Council's Flood and Water Management Team and Severn Trent Water who have no objection to the proposal subject to the attachment of a condition requiring the submission of drainage details, plans and calculations at the reserved matters stage.

#### **6.6 Impact on natural environment**

**6.6.1** The proposal has been assessed by the Council's Planning Ecologist and Tree and Hedgerow Amenity Protection Officer who have no objection subject to the attachment of conditions and informative(s) following an amendment to the plans to show a 10m minimum wildlife corridor created along the western boundary of the site and the submission of Risk Avoidance Measures for great crested newts. The proposal is therefore considered capable of protecting the natural environment in accordance with the requirements of Core Strategy Policies CS6 and CS17.

#### **7.0 CONCLUSION**

**7.1** The site is located outside of the Shrewsbury Urban Area as defined by the Inset Map attached to the SABC Local Plan and is therefore classed as a departure from the development plan.

However, in accordance with paragraph 216 of the National Planning Policy Framework decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The site has been carried through into the Revised Preferred Options stage of the Site Allocations and Management of Development (SAMDev) Plan. The proposal is considered to address the concerns of respondents in respect of impact on the local road network, congestion and safety, the loss of wildlife habitat and green space whilst complying with saved and emerging development plan policies and the NPPF.

## **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:  
CS1 – Strategic Approach  
CS2 – Shrewsbury Development Strategy  
CS5 – Countryside and Green Belt  
CS6 – Sustainable Design and Development Principles  
CS7 – Communication and Transport  
CS8 – Facilities, Services and Infrastructure Provision  
CS9 – Infrastructure Contributions  
CS10 – Managed Release of Housing Land  
CS11 – Type and Affordability of Housing  
CS17 – Environmental Networks  
CS18 – Sustainable Water Management

### **SUPPLEMENTARY PLANNING DOCUMENTS**

Type and Affordability of Housing  
Sustainable Design (Part 1)

### RELEVANT PLANNING HISTORY:

PREAPP/13/00175 Proposed residential development to include access, open space and associated works. PCO

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
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Local Member
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Cllr Mike Owen
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Appendices
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APPENDIX 2 – Conditions
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APPENDIX A - Proposed Shropshire Council highways improvement scheme at Longden Road/Roman Road Roundabout. (SEE DRAWING NUMBER 1058764-P-03-1202).
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## APPENDIX 2

### Conditions

#### STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units  
The means of enclosure of the site  
The levels of the site  
The drainage of the site

Reason: To ensure the development is of an appropriate standard.

5. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course on the western boundary, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The reserved matters shall include submission of plans showing the fencing.

Reason: To ensure the retention of the Environmental Network and a likely bat foraging and commuting route

6. All development and site clearance procedures on the site to which this consent applies shall be undertaken in line with the Risk Avoidance Measures for great crested newts received on the 19th December 2013.

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

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

7. Prior to the commencement of the development, full engineering details of the new access road, existing highway works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details. As this is an outline application this can be dealt with at the reserved matters stage.

Reason: In the interests of highway safety.

8. Prior to the development commencing a noise mitigation scheme shall be submitted to the local planning authority and approved in writing. The approved scheme shall be installed during construction.

Reason: to protect the health and wellbeing of future residents.

9. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

10. 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(s)**

1. 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.

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

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

4. The applicant should consider employing measures such as the following:
  - ' Water Butts
  - ' Rainwater harvesting system
  - ' Permeable surfacing on any new driveway, parking area/ paved area
  - ' Greywater recycling system
5. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
6. Consent is required from the service provider to connect into the foul main sewer.
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.

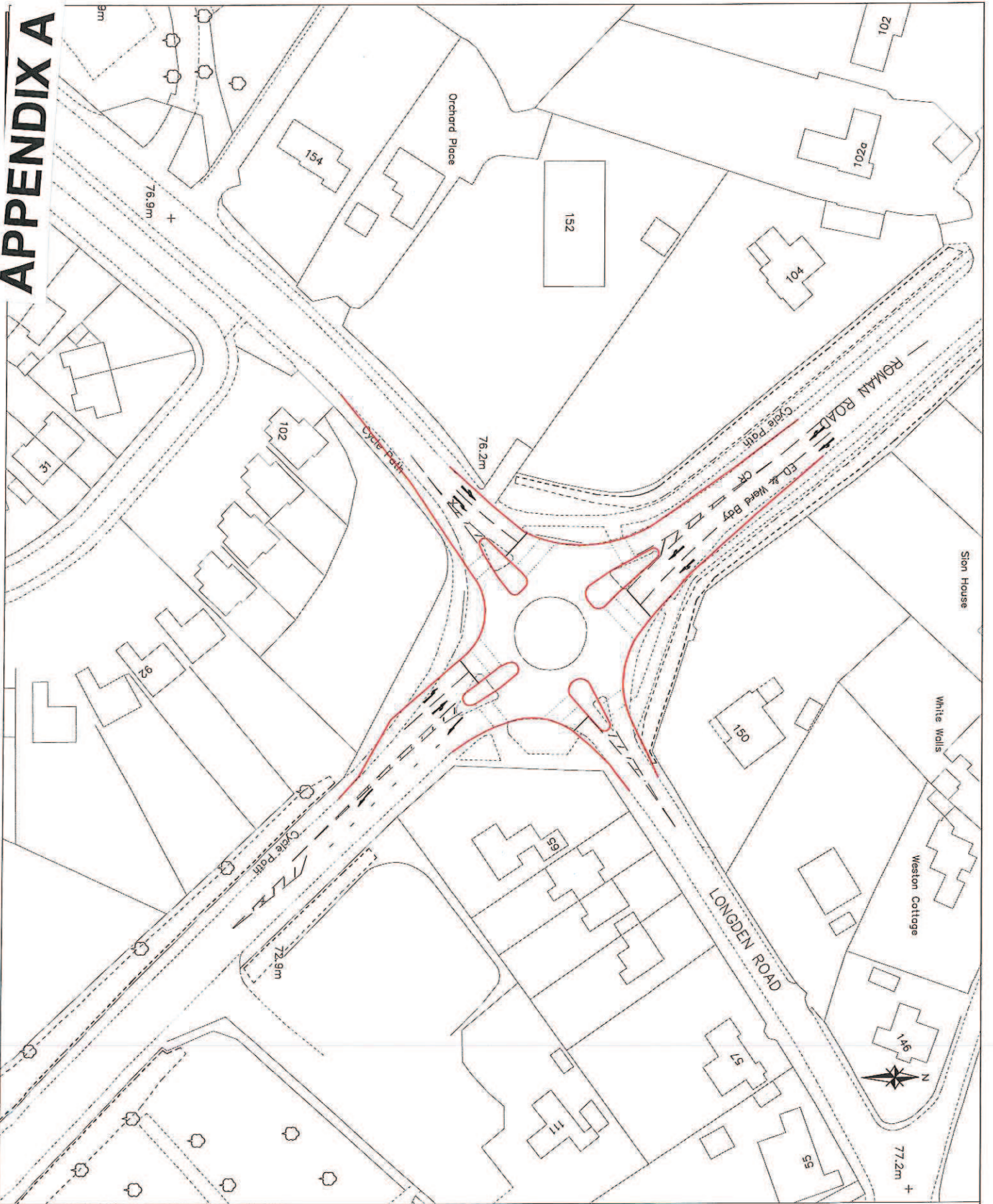
No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

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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# APPENDIX A



<p>Do not scale - Use only signed dimensions The contractor is to check all dimensions on site and report any discrepancies to the Site Supervisor. Dimensions to be used in conjunction with all other standard drawings.</p>	
<p>Revised/Updated: No Reproductions Without Authority</p>	
<p>Drawn with the Ordnance Survey map, the contractor is to check all dimensions on site and report any discrepancies to the Site Supervisor. Unauthorised reproduction, infringement, or other copyright and may lead to prosecution or civil proceedings. Contract No. 1058764-P-03-1202</p>	
<p><b>mouchel</b> 241/251, Sharncliffe Road, Leeds, LS17 7DQ Tel: 0113 275 2200 www.mouchel.co.uk</p>	
<p>Client: <b>SHROPSHIRE COUNTY COUNCIL</b></p>	
<p>Project: <b>Shrewsbury Transport Package</b></p>	
<p>Contract No.: <b>Longden Road Roundabout</b></p>	
<p>Contract No.: <b>1058764-P-03-1202</b></p>	<p>Scale: <b>1:500</b></p>
<p>Project: <b>Feasibility</b></p>	<p>Drawn: <b>[ ]</b></p>

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Committee and date

Central Planning Committee

3 April 2014

Item

**7**

Public

## Development Management Report

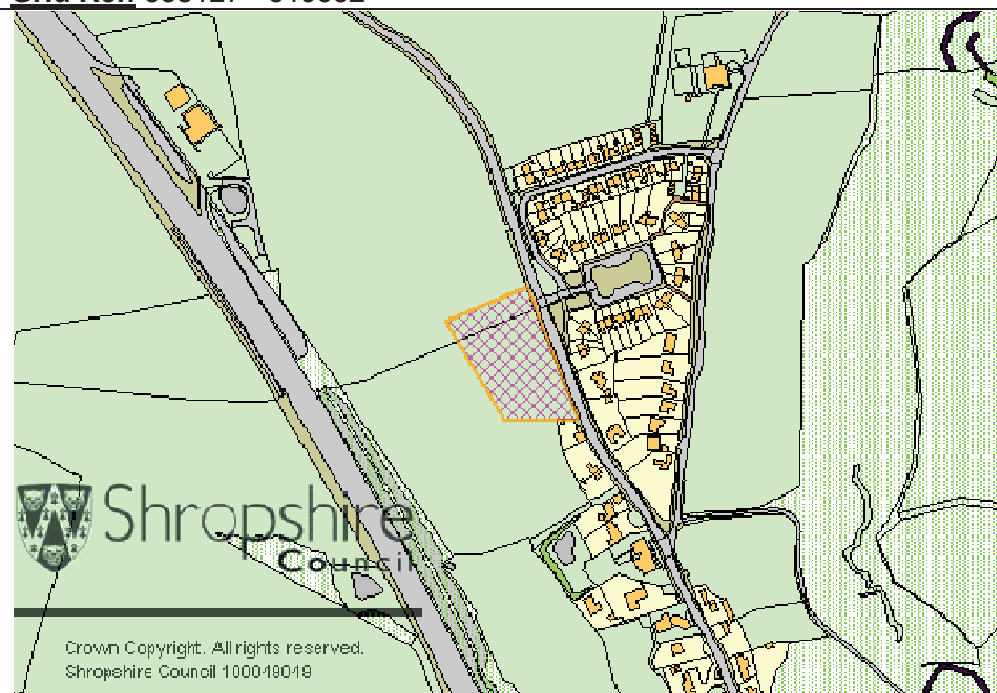
Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 13/04757/OUT	<b><u>Parish:</u></b>	Great Ness
<b><u>Proposal:</u></b> Application for Outline Planning Permission (access for approval) for residential development and associated works		
<b><u>Site Address:</u></b> Development Land Opposite The Crescent Nesscliffe Shrewsbury Shropshire		
<b><u>Applicant:</u></b> J C & M W Suckley		
<b><u>Case Officer:</u></b> Andrew Gittins		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 338127 - 319532



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and Section 106 legal agreement to secure affordable housing.**

## REPORT

### 1.0 THE PROPOSAL

1.1 The proposal is an application for Outline Planning Permission for a residential development and associated works with all matters, excluding access, reserved for later approval. The layout of the proposal has been reserved for later approval but the application form and indicative site layout plan illustrate that the development would provide 26 dwellings, split across 3 two-bed and 18 three-bed open market and 5 two-bed affordable houses. However, these figures are for indicative purposes only and are not under consideration in the determination of this outline proposal.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in an area of countryside as defined by adopted Shropshire Core Strategy Policy CS5: Countryside and Green Belt. However the site is located on the northern end of the settlement of Nesscliffe which has been promoted by the local community through the Parish Council as a Community Hub under Core Strategy Policy CS4: Community Hubs and Community Clusters and the site, referred to as 'Land west of Holyhead Road' has been included in the Final Plan submission as a Preferred Option as set out in the SC Planning Policy consultee comments section below.

2.2 The development will be accessed off the A5210 which runs to the east of the site with Right of Way route code 0419/11/2 running across the site in an east-west direction linking residential properties in The Crescent to the A5 highway. The site shares a short 20 metres section of its southern boundary with the domestic curtilage of Grove Cottage with the remainder of the site boundary shared with the remaining agricultural land within which the site is located.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Great Ness and Little Ness Parish Council have submitted a view contrary to Officer recommendation for approval based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the Committee Chairman and Vice Chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 Consultee Comments

4.1.1 **SC Planning Policy:** Nesscliffe is currently 'countryside' in planning policy terms - it was a Policy HS4 village in the Shrewsbury and Atcham Borough Local Plan (due to the presence of facilities including the primary school), but that policy is no longer in effect, having been replaced by Core Strategy Policies CS4 and CS5. In

as much as these policies are housing supply policies, regard should be had to the NPPF provisions relating to housing policies being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites, i.e. the Development Plan is still the starting point but effectively the application should be determined in the context of the NPPF presumption in favour of sustainable development (Para's 49 and 14) at this time.

Further to Core Strategy Policy CS4, Nesscliffe is proposed to be identified as a Community Hub under Policy MD1 of the emerging SAMDev Plan. Furthermore, the application site is proposed as a housing allocation ('Land west of Holyhead Road' for approximately 15 dwellings), within a housing guideline for the village of around 30 additional dwellings over the period to 2026. Reference is made in the guidelines for development in the village to the Nesses Parish Plan (2004) and subsequent Housing Needs and Development Survey (2011), and the Parish Council's view that developments in the village should be of a maximum of 10 houses and predominantly 2 and 3 bedrooms. The SAMDev Plan is reaching the Proposed Submission or Final Plan stage (Cabinet on 19/02/14 recommended Council to proceed to publication for final representations in March/April), with submission to the Secretary of State for independent examination later in the year. Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies. However, the five year housing land supply considerations still apply.

The current outline application relates to the same area of land as that proposed to be allocated, but it is noted that reference is made to the potential for up to 26 dwellings in the submitted material, rather than the 15 indicated in the emerging SAMDev Plan. Policy MD3 of the emerging SAMDev Plan sets out relevant considerations in relation to managing housing development, with reference to the development guidelines for specific sites and the scale of development in a village, albeit that the weight that can be attached to these is limited at this time.

- 4.1.2 SC Ecology:** The recommended conditions and informative(s) should be attached to any consent. The JW Ecological (2013) survey covered a wider area than just the application site. It concluded that the mature hedgerows and the plantation woodland adjacent to the Nesscliffe Bypass have value as habitats and wildlife corridors. This current application does not affect these features and proposes new planting around the site boundaries.

Great crested newts

A great crested newt (GCN) survey was carried out using three survey methods in spring 2013 but found no evidence of GCN in the two ponds which held water. The A5 was considered to be barrier to GCN movement. The application site is arable land and therefore no Risk Avoidance Measures are deemed necessary.

### Bats

There are no buildings or trees on the application site which could hold bat roosts. The linear features in the wider area have potential as bat commuting routes. These are not affected by the proposals but lighting should be controlled to avoid disrupting bat behaviour.

### Reptiles

The wider area surveyed contained some with potential foraging and refuge habitat for common reptiles. The application site contains little of this habitat and it is not considered necessary for this application to condition Risk Avoidance Measures for reptiles.

### Nesting birds

The roadside hedgerow will require removal to achieve access and could support nesting birds.

### Badgers

No evidence of badger activity was found in the wider area but as badgers have been recorded further afield it is recommended the site is resurveyed immediately prior to development.

- 4.1.3 SC Highways:** The highway authority raises no objection to the granting of consent for the proposed site access.

### Key Issues

The proposed site access works plan seems to indicate the removal of the existing bus lay-by, however this will not be permitted as the bus lay-by is still in use here. However, this detail can be dealt with at the time of technical approval.

The inclusion of the proposed refuge crossing point to the north of the site access is to be advocated as this will provide a useful pedestrian link to the village. However if possible, we suggest that the refuge is located further south so that it is located further on the desire line for the new residents. Again, this detail can be dealt with at the time of technical approval.

The proposed site access is considered to be adequate for the scale of residential development proposed and the sightlines to the main road are good. As the site adjoins the old A5, as a now by-passed ex trunk road clearly this road has sufficient capacity for the additional traffic movements from the proposed development.

The illustrative internal site road layout is a concern to the local highway authority and if this were to be submitted for consideration would be met with an objection for the following reasons:

We consider that the 'annular' road layout shown is not appropriate for the scale and setting of development proposed and will lead to an overly long length of highway for the number of units proposed. Not only is this costly to the developer to construct, it would also place an unnecessary maintenance burden on the highway authority. This also has implications for the site drainage design due to quantity of hard surfacing proposed.

The straight sections of road and sharp 90 degree bends are not a good combination for the safe management of vehicle speeds, so we have concerns over highway safety at each of the corners. Also the layout shows a potential conflict point near to the main site access, which is completely avoidable should a more conventional Manual for Streets layout be proposed. Also we are of the opinion that the layout may not achieve a good 'sense of place' as the vehicle accesses are shown to the rear of the dwellings. This could result in poor integration between the properties and the street. The rear parking arrangements shown could also lead to excessive numbers of vehicles parked on the highway as this being more convenient to residents, further eroding the amenity value of the street.

We recommended that should the outline application be approved, the applicant reviews the proposed site layout and discusses the revised layout with the local highway authority prior to submitting a reserved matters application.

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

**4.1.5 SC Affordable Housing:** If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application. The size, type and tenure of the affordable homes will need to be agreed in writing with the Housing Enabling Team and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

**4.1.6 SC Rights of Way:** It is reassuring to see that the public footpath has been accurately identified and incorporated into the layout of the proposed development.

The outdoor recreation would have no fundamental objection to the proposal on the condition that the path is protected. It would seem inevitable that a temporary closure will be required for a period of time during construction and the developer should contact this team if they require further information about this process.

**4.1.7 SC Archaeology:** The proposed developed site is located c.480m to the west-south-west of the Scheduled Monument of Nesscliffe Hill Camp: a small multivallate hillfort (National Heritage List ref. 1020285). The proposed development could potentially affect the setting of monument. I therefore recommended in my initial comments of 12 December 2013 that English Heritage should be consulted on the

application. In their subsequent consultation response of 19 December 2013, English Heritage raise no objection to the application.

**RECOMMENDATION:** It is likely that, if visible at all from the Scheduled Monument, the views of the proposed development site would be heavily filtered by the tree and other vegetation cover growing both on and around the hillfort. Further, the proposed development would be seen in relation to the existing built form of Nesscliffe village. In my opinion, the proposed development will not therefore affect the setting or significance of the Scheduled Monument, and on this basis I have no objection to the application.

- 4.1.8 English Heritage:** The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

- 4.1.9 SC Trees:** No objections are raised to the principal of development on this site. There are a number of trees present on the boundary of the site, but it is clear that the site can be developed and the access road installed without compromising any significant specimen. The reserved Matters must include a full Arboricultural Impact Assessment prepared in accordance with BS5837: 2012. It is expected that the site layout will be instructed by the tree constraints identified in the survey. The scheme should be supported by a comprehensive landscape planting proposal.

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

## **4.2 Public Comments**

- 4.2.1 Great Ness and Little Ness Parish Council:** Object to this planning application on the grounds that the proposed 26 dwellings are too many for that site. They would only support this application if the numbers were reduced to 10 two to three bedroom dwellings.

Great Ness and Little Ness Parish Council would like to add that they do not support this planning application as 26 dwellings are too many for that particular site and they would like the dwellings to be reduced to a maximum of 10, with a mix of two and three bedroom houses. Please refer to the Parish Council Housing Needs Survey and Parish Plan.

- 4.2.2 Public Comments:** 3 letters received objecting to the scheme on the following grounds:

- To the description of a high density development as 'Green'.
- Design out of character with the village and does not represent 'living in the country'.



- Number of dwellings is a large housing development by local standards on a Greenfield site which will change the nature of the village, increase traffic considerably and ruining the landscape.
- No demand for housing in this area and a development of this size is unnecessary. Dwellings should be built on brownfield sites in Shrewsbury or Oswestry. Alternative sites can accommodate housing of this nature without causing this level of permanent loss of quality of life for existing residents.
- Plans do not include any provision for low cost housing which may help local community retain youngsters in the area; there could be some justification for a smaller development if it were all low cost.
- Site is located between two roads reducing the residential amenity of occupants due to noise and lack of views.
- Construction will cause considerable disruption to local residents including noise and congestion during and after construction, and will bring no benefits to those residents.
- Prospective purchases of properties unlikely to integrate with the existing community and will cause resentment due to loss of views, increase in traffic / pollution and lack of perceived benefit to the local community.
- Drivers for this development are profit for the land owner and development rather than the needs of the community or the county.
- Development will cause permanent blight for the existing residents.
- Parish Plan envisages 30 houses in Nesscliffe over the next 12 years at least 10 of which are already in the system.
- The Parish Plan is clear about the type of housing needed which is not 3/4 bed roomed 'executive' homes which form the bulk of this application. There is a discrepancy between the application form which states 2 and 3 beds whereas the Design and Access Statement clearly indicates 4 beds.
- By definition a development of 26 houses with 52 cars with no local employment, medical facilities and limited shopping cannot be seen as sustainable.
- Development is part of an even larger development which would be even less sustainable and not in keeping with village needs.
- Timing of submission before Christmas is cynical.

#### 4.2.3 One letter received in support of the scheme for the following reasons:

- Nesscliffe is being promoted as a Community Hub where it is accepted that a limited and controlled housing development would be supported.
- The SAMDev process included consultation with all households with the majority favouring this site accommodating a maximum of 30, two and three bed properties.
- The applicant has undertaken extensive consultation and modified plans in response to the views raised locally.
- Shropshire has a housing shortfall of 29,000 dwellings so inevitably there will be some building on Open Countryside land and Nesscliffe will have to contribute to this figure.
- The plan to build a small estate opposite a much larger estate will not destroy the character of this or other parts of the village and is preferable to other multi-dwelling schemes which have also been submitted.
- The development is supported on the grounds that it fulfils the expressed wishes of the community.

**4.2.4 Ramblers Association:** Footpath 11 Great Ness crosses this site so it is important that any development does not interrupt this public path.

## **5.0 THE MAIN ISSUES**

**Principle of development**

**Sustainability**

**Access**

**Other material considerations**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

**6.1.1** The application site is currently 'countryside' in planning policy terms. Nesscliffe was a Policy HS4 village in the Shrewsbury and Atcham Borough Local Plan (due to the presence of facilities including the primary school), but that policy is no longer in effect, having been replaced by Core Strategy Policies CS4 and CS5. In as much as these policies are housing supply policies, regard should be had to the NPPF provisions relating to housing policies being not up-to-date if the Council cannot demonstrate a five year supply of deliverable housing sites, i.e. the Development Plan is still the starting point but effectively the application should be determined in the context of the NPPF presumption in favour of sustainable development (Para's 49 and 14) at this time.

**6.1.2** Further to Core Strategy Policy CS4, Nesscliffe is proposed to be identified as a Community Hub under Policy MD1 of the emerging SAMDev Plan. Furthermore, the application site is proposed as a housing allocation ('Land west of Holyhead Road' for approximately 15 dwellings), within a housing guideline for the village of around 30 additional dwellings over the period to 2026. Reference is made in the guidelines for development in the village to the Nesses Parish Plan (2004) and subsequent Housing Needs and Development Survey (2011), and the Parish Council's view that developments in the village should be of a maximum of 10 houses and predominantly 2 and 3 bedrooms. The SAMDev Plan is reaching the Proposed Submission or Final Plan stage (Cabinet on 19/02/14 recommended Council to proceed to publication for final representations in March/April), with submission to the Secretary of State for independent examination later in the year. Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the degree of consistency with the NPPF policies. However, the five year housing land supply considerations still apply.

**6.1.3** The current outline application relates to the same area of land as that proposed to be allocated, but it is noted that reference is made to the potential for up to 26 dwellings in the submitted material, rather than the 15 indicated in the emerging SAMDev Plan. Policy MD3 of the emerging SAMDev Plan sets out relevant considerations in relation to managing housing development, with reference to the development guidelines for specific sites and the scale of development in a village, albeit that the weight that can be attached to these is limited at this time due to the

lack of 5 year housing land supply.

## 6.2 Sustainability

**6.2.1** Nesscliffe is a relatively large village situated within the Great Ness Parish located 9 miles from both Oswestry and Shrewsbury with a half hourly bus service running six days a week. The settlement has a primary school, village hall, public house, restaurant and petrol garage with shop. Secondary school aged children are likely to attend the The Corbet School at Baschurch approximately 4 miles away. The Parish Church is located in Little Ness. Recreational facilities are available on Nesscliffe Hill Country Park. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on the private motor car.

**6.2.2** However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it as '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- ☐ *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ☐ *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ☐ *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

**6.2.3 Economic role** – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting small local builders and building suppliers. The provision of more houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards community needs and priorities identified in the Parish Plan which include:

- Childcare facilities
- Adult classes
- A youth club
- Additional use of the village hall for events and services

- Traffic on unsuitable roads
- Public transport
- Need for small family homes
- Conversion of redundant villages for housing
- Wildlife conservation in Nesscliffe Country Park

**6.2.4 Social role** – Nesscliffe is a village with a good range of services. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities in other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The residential development would provide affordable housing at the rate prevailing at the time of the submission of the reserved matters. The current prevailing rate for this area is 15%. However the information provided on the application form states that the scheme would provide 5 two-bed affordable units which equates to 19%. The application form has also noted that the scheme would deliver 3 two-bed and 18 three-bed open market units as sought by the Parish Council which will help maintain the balance of housing stock within Nesscliffe resulting in a more balanced community.

**6.2.5 Environmental role** – The application site forms part of a large arable field. The application has been referred to Shropshire Councils Ecologist and Archaeologist together with English Heritage whose comments have been included in full in the Consultee Comments section above. The Council's Archaeologist was of the opinion that the proposed development could potentially affect the setting of the Scheduled Monument of Nesscliffe Hill Camp: a small multivallate hillfort (National Heritage List ref. 1020285) located c.480m to the west-south-west. However following receipt of a response from English Heritage raising no objection, the Council's Archaeologist is satisfied that the proposed development will not affect the setting or significance of the Scheduled Monument, and on this basis has no objection to the application. The Council's Ecologist has noted that the Ecology Survey by JW Ecological (2013) covered a wider area than just the application site. It concluded that the mature hedgerows and the plantation woodland adjacent to the Nesscliffe Bypass have value as habitats and wildlife corridors. This current application does not affect these features and proposes new planting around the site boundaries. The Ecologist has no objection to the scheme subject to the attachment of conditions and informative(s) in respect of badgers, bats and nesting birds. As the application site is arable land no Risk Avoidance Measures are deemed necessary for Great Crested Newts and Reptiles.

**6.2.6** Accordingly it is considered that the proposal would have no adverse impact on wildlife and the ecological value of the site. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot and by cycle to the services in Nesscliffe and by public transport and by a short car journey to the array of services, facilities and employment opportunities just over 9 miles away in Shrewsbury and Oswestry.

**6.2.7** It is therefore considered that Nesscliffe is a sustainable location having regard to the three dimensions of sustainable development and that this is a site that can accommodate a number of additional dwellings over and above the 10 put forward by the Parish Council and local residents as part of SAMDev, subject to a satisfactory scale and design appropriate and proportionate to the size and character of the village.

**6.2.8** In this respect the proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

### **6.3 Access**

**6.3.1** Access is the only matter under consideration in the determination of this application with all other matters including Appearance, Landscaping, Layout and Scale reserved for later approval. The application has been considered by SC Highways Development Control whose comments are included in the consultee comments section above. Highways have noted that the plans appear to propose the removal of the bus lay-by which isn't acceptable but can be dealt with under technical approval; and have acknowledged the benefit of the proposed refuge crossing point as a useful pedestrian link to the village subject to slight relocation.

**6.3.2** Highways are of the opinion that the proposed site access is considered to be adequate for the scale of residential development proposed and the sightlines to the main road are good. As the site adjoins the old A5, as a now by-passed ex trunk road clearly this road has sufficient capacity for the additional traffic movements from the proposed development.

**6.3.3** It is noted that Highways have stated that the illustrative internal site road layout is a concern and if this were to be submitted for consideration would be met with an objection for the following outlined but that this will be dealt with prior to and considered in the reserved matters submission and therefore has no objection to the scheme overall. Accordingly the proposal is considered capable of providing safe vehicular and pedestrian access in accordance with the requirements of paragraphs 32 and 35 of the NPPF.

### **6.4 Other material considerations**

**6.4.1** The application has been referred to Drainage, Public Protection, Trees, Rights of Way and Affordable Housing whose comments are recorded in the consultee comments section above and none of which raise any objection to the scheme and recommend conditions and informative(s).

### **7.0 CONCLUSION**

**7.1** The application site is currently 'countryside' in planning policy terms. However Nesscliffe is proposed to be identified as a Community Hub under Policy MD1 of the emerging SAMDev Plan. Furthermore, the application site is proposed as a housing allocation ('Land west of Holyhead Road' for approximately 15 dwellings). Paragraph 216 of the National Planning Policy Framework explains that weight can be given to relevant policies in emerging plans, with the weight according to the stage of preparation, the extent that there are unresolved objections, and the

degree of consistency with the NPPF policies. Whilst it is acknowledged that the application form and indicative site plan illustrate a scheme of up to 26 dwellings, which exceeds the indicative figure included in SAMDev and the Parish Council's aspirations. However the application has been submitted as an Outline with all matters reserved for later approval as such housing numbers are not under consideration. Notwithstanding this, and with regard to the lack of 5 year housing land supply the proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

## **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:  
CS4 – Community Hubs and Community Clusters  
CS5 – Countryside and Green Belt  
CS6 – Sustainable Design and Development Principles  
CS9 – Infrastructure Contributions  
CS11 – Type and Affordability of Housing  
CS17 – Environmental Networks  
CS18 – Sustainable Water Management  
Emerging SAMDev Policy MD3

### SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing  
Sustainable Design (Part 1)

### RELEVANT PLANNING HISTORY:

## 11. Additional Information

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
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<b>Cabinet Member (Portfolio Holder)</b>
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Cllr M. Price
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<b>Local Member - Cllr David Roberts</b>
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<b>Appendices</b>
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APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the Appearance, Landscaping, Layout and Scale shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units  
The means of enclosure of the site  
The drainage of the site  
Arboricultural Impact Assessment

Reason: To ensure the development is of an appropriate standard.

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

5. 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.

6. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement



of works by an experienced ecologist and a report submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers

7. Prior to the commencement of the development full engineering details of the new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use/open to trading.

Reason: To ensure the construction is to an adequate standard in the interests of road safety.

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

8. 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 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: To secure the appropriate maintenance of the amenity green-space.

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

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

### **Informative(s)**

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. The proposed site access works on the existing highway will require a s278 agreement with the local highway authority prior to these works commencing on site.
3. 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. 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 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. 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. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
7. If public access to the footpath will need to be restricted during construction then a temporary closure must be applied for; ideally with an alternative route provided for the duration of the works. Applications must be made at least 4 weeks in advance of works commencing and fees apply.

Please contact Jean Jones, Definitive Map and Enforcement Support Officer (jean.jones@shropshire.gov.uk) on 01743 255056 for further details or to make an application.

8. The Flood Risk Assessment is acceptable in principle however as stated in the report, the run-off rates and attenuation volumes should be verified when undertaking the detailed design of the drainage system.

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

9. The site is in Source Protection Zone 3 and the SuDS Applicability for the site is Infiltration Plus Treatment. Detailed drainage design should consider any measures to prevent pollution into the groundwater.

Reason: To ensure that no pollution of the proposed surface water into the groundwater.

10. The proposed surface water drainage system for the site should be detailed. This should illustrate how the development will comply with Shropshire Council's Surface Water Management: Interim Guidance for Developers and the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone/ site area (any Flood Risk Assessment required should comply with this) and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

- ' Surface water soakaways (Designed in accordance with BRE Digest 365).
- ' Swales
- ' Infiltration basins
- ' Attenuation ponds
- ' Permeable surfacing on any new driveway, parking area/ paved area
- ' Rainwater harvesting system
- ' Attenuation
- ' Greywater recycling system
- ' Green roofs
- ' Water Butts

Details of the use of SuDS should be indicated on the drainage plan.

The use of above ground SuDS at source should be considered for the disposal of the surface water. Please refer to CIRIA SuDS Manual C697.

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

11. Please provide a contoured plan of the finished road level to ensure that the proposed gullies are located correctly. Confirmation is required that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable

areas within the development site or contribute to surface water flooding of any area outside of the development site.

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



Committee and date  
 Central Planning Committee  
 3 April 2014

Item  
**8**  
 Public

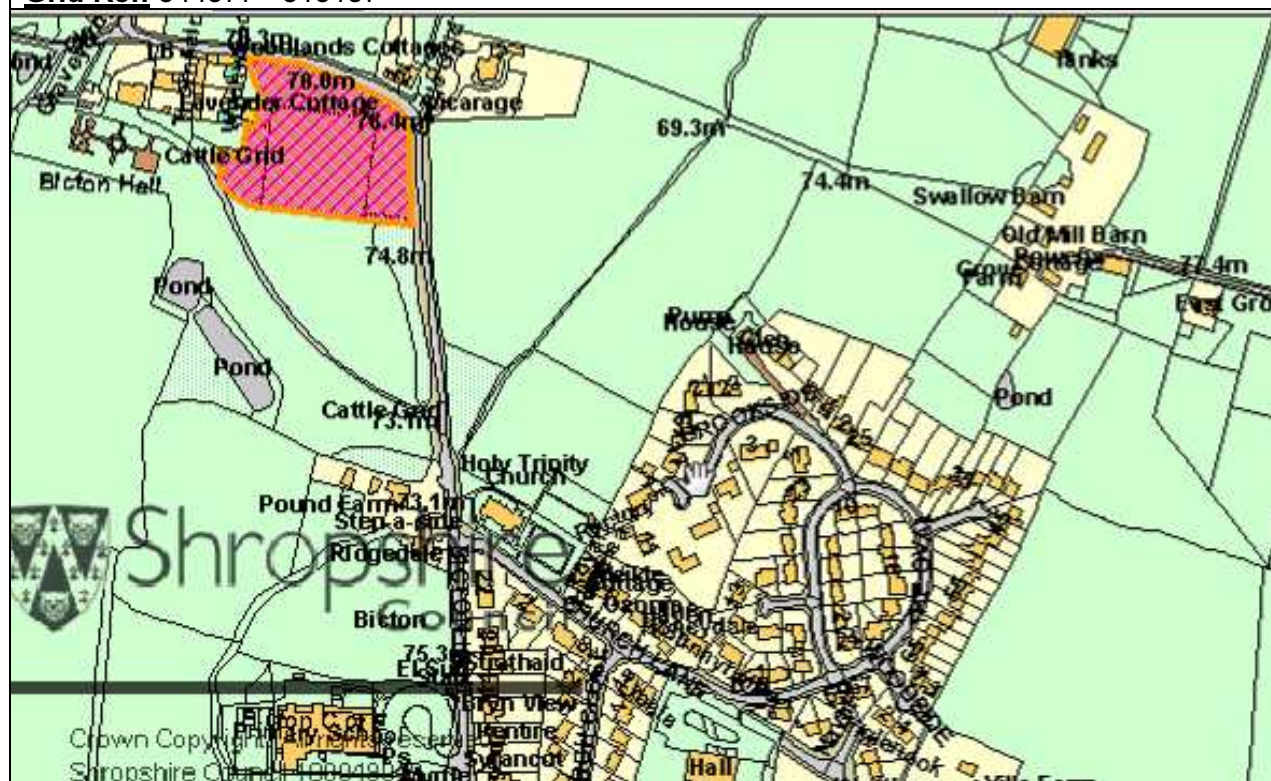
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 13/04790/FUL	<b>Parish:</b> Bicton
<b>Proposal:</b> Erection of two detached dwellings (within walled garden) to include the erection of detached garden rooms and alterations to existing vehicular access (amended description)	
<b>Site Address:</b> Bicton Hall Bicton Lane Bicton Shrewsbury SY3 8EU	
<b>Applicant:</b> Mr Mark Bebb	
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 344577 - 315137



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant AHC.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application relates to the erection of two detached dwellings (within walled garden) to include the erection of detached garden rooms and alterations to existing vehicular access. The proposal has been amended and reduced from four to two dwellings and is now also no longer an enabling development as the works originally proposed to the Chapel are now excluded from the proposal and the walled garden will be repaired as part of the proposal.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is situated within the walls of the walled garden associated with Bicton Hall an unlisted building within the settlement of Bicton.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Area Planning Manager agrees that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 **SC Highways DC** - The scheme would result in additional traffic movements along Bicton Lane, but this would be of a domestic nature and considers that it could be accommodated by the existing local highway network without having an adverse effect on highway conditions. The proposed scheme would use the existing access onto the highway and improve this by widening it to allow two vehicles to pass in the entrance and by forming a visibility splay line to the east. Having regard for the traffic speeds and volumes along Bicton Lane at this point, considers that this access arrangement would be satisfactory to serve the traffic movements likely to be generated by the development. Is concerned however that when the new hedge that is proposed starts to grow, it may obstruct visibility of traffic approaching around the nearby bend in the carriageway alignment to the east. The highway authority raises no objections to the granting of consent subject to conditions regarding access and visibility.

4.1.2 **SC Drainage** – Suggests conditions and informative(s).

- 4.1.3 **SC Affordable Houses** - The affordable housing contribution pro-forma 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.
- 4.1.4 **SC Public Protection** – Specialist – Recommends a condition is imposed to ensure that the properties are ready for EV charging.
- 4.1.5 **SC Archaeology (Historic Environment)** – Considers the potential for below ground archaeological features and deposits to be present within and around the walled garden site to be low 'negligible' and that the repairs to the Old Chapel and burial ground will be minimal. Has no further comments to make on this application with respect to archaeological matters.
- 4.1.6 **SC Conservation** - The applicant has objectively reassessed the proposals, reducing the impact of development on the visual context of the walled garden. Supports measured and appropriate development to provide immediate and future conservation of the brick walling and consider the revised reduced scheme is proportionate to the need.
- 4.1.7 **English Heritage** - Observes that enabling development should normally be restricted to solving the problems of identified heritage at risk. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 4.1.8 **Ecology** – Great crested newts (GCN) were recorded in 2005 within 75m of the application site. There are two ponds within 100m of the site. Star Ecology (2013) has given these ponds Habitat Suitability Index scores of below 0.50 and considers them 'poor' for GCN breeding. Both were stocked with fish approximately 4 years ago according to the pond owner. This will significantly decrease the likelihood of GCN successfully breeding in the ponds now, even if they had done in the past. Star Ecology (2013) state that GCN may be present in the area but that the habitat of the application site and the area between this and ponds is unlikely to hold a moderate or high GCN population. They do not recommend further survey but do recommend Risk Avoidance Measures, which are set out in the report. From OS maps it would appear there are an additional five ponds around Bicton within 250m of the application site. Shropshire Council guidance is that any ponds within 250m of a minor planning application should be assessed in terms of broad suitability for Great Crested Newts by carrying out a Habitat Suitability Index (HSI). This information should be submitted. In relation to the two ponds that have been surveyed, we would expect the surveyor to verify the presence of fish and the other information used to calculate the HSI scores. This is particularly important as great crested newts were recorded in one of these ponds in the past. Star Ecology (2013) considers it is possible that small breeding birds may nest within the ivy growing on the wall. No other vegetation appears to be affected by the plans, however any removals should be carried out outside of the bird nesting period. Bird boxes are recommended to enhance the site. Recommends conditions and informative(s).

## 4.2 - Public Comments

### 4.2.1 Bicton Parish Council – Strongly object to this application (as revised):

- 1, This development is not sustainable.
- 2, It will put extra traffic on an already strained Bicton Lane especially past the school.
- 3, It is not an appropriate way to conserve a garden.
- 4, The proposed design is not compatible with the area and will not fit in.
- 5, The access is too far along Bicton Lane and will put extra traffic on the bad bends. If the access shared Bicton Hall drive it would be better.
- 6, The proposal does not fit in with BPC's SAMDev plan.

If, because of NPPF, you feel compelled to recommend approval BPC requests that this application should go to the Planning committee with the comment that BPC worked very hard to produce its SAMDev policy in order to have sustainable development within Bicton; and, if the planning committee feels constrained to grant permission BPC would ask that it sends a strong letter of complaint about the NPPF to the secretary of state.

### 4.2.2 Four letters of objection have been submitted to the scheme as first proposed summarised as follows:

In contradiction of the application, the carports, parking areas, gates and access roads will have a major impact on the character and appearance of the countryside and directly contravene the EV76 Tourism strategy recently published.

Lavender Cottage, which is directly adjacent to The Walled Garden, is currently used as a holiday cottage and it will be directly affected by the building works (it will not be tranquil during the building work as per EV76

If the walled garden is surrounded by carports and vehicles its historic beauty would be lost.

Do not see the relevance of restoration to the chapel/ churchyard walls and should be a separate application.

Restoration of the wall should not require the building of four houses

The proposed homes are ultra modern and not in the local vernacular

Planting native trees near to an old brick and lime mortar wall is inadvisable as it can cause heave or subsidence from the roots and moisture levels

The development will affect the local wildlife particularly birds that re seen on the wall.



The detached garden rooms could become a home office and have the potential to be used as a business, which would have the potential to generate much more traffic along narrow Bicton Lane.

Bicton Lane is a badly maintained mainly single track road with numerous walkers and horse riders and would not support any additional traffic without major improvement.

The large dwellings and likely to have more than two driving residents per house, resulting in possibly 3-4 cars per house, which will result in many more vehicular movements per day along narrow Bicton Lane causing dangers on this busy lane..

There would be better access with good views both ways along straight stretches of road from the gated entrance to Bicton Hall.

Questions the need for more dwellings as there are there are currently unsold properties in Bicton and there will be 750 new homes within the SWSUE to meet local need.

The associated noise of cars on gravel and headlights will impact on nearby residents

The applicant has submitted this proposal for financial gain and not for philanthropic reasons of preserving The Walled Garden or The Old Chapel for future generations or to enhance the village appearance.

## 5.0 THE MAIN ISSUES

Principle of development  
Scale, design and appearance  
Highways/Access  
Drainage  
Ecology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that *'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

*‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.*

and that

*‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’*

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the ‘Pre-Submission Draft Plan (or Final Plan) stage’ and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*  
*and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.1.4 Bicton and Four Crosses is coming forward as a ‘Community Cluster’ and the Draft SAMDev DPD indicates a development boundary. This site is outside the development boundary and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Bicton. However in the absence of a five year land supply a ‘presumption in favour of sustainable development’ and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Bicton.

6.1.5 Bicton is a small close knit community predominantly situated to the North of the B3450 but is also associated with the Four crosses / Shepherds Lane area to the East. There are a range of services and facilities within the village and within 1km of the site and it is serviced by a regular bus service (No 70) which runs between Shrewsbury and Oswestry every 30 minutes. The following services, facilities and employment opportunities are in close proximity and within easy walking or cycling distance of the site:

1. Bicton Church of England Primary School
2. Bicton Pre School
3. New Reflexions Evolution Centre
4. Holy Trinity Church
5. Bicton Village Hall
6. Bicton Toddler Club
7. Four Crosses Public House
8. Car Garage and Mace Convenience Store
9. Bus Stops
10. Isle Court Care Home
11. Bicton Business Park

It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance on the private motor car.

- 6.1.6 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

*an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

- 6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of two additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.1.8 Social role – Small villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations.
- 6.1.9 Environmental role – The site is situated within the existing walled garden of Bicton Hall and although no longer an enabling development the proposal will ensure the preservation of this wall which will become the boundary wall for the new dwellings. The development will provide two additional homes within the village that will be contained within the existing wall and would not encroach into the countryside or previously undeveloped land. The proposal would have no adverse impact on wildlife and the ecological value of the site is low and will be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.
- 6.1.10 It is therefore considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. It is considered that the settlement can accommodate a limited number of additional dwellings outside the development boundary identified within the Draft SAMDev, subject to a satisfactory scale and design and that the development would be acceptable provided it would have no adverse impacts that would outweigh the benefits.

## 6.2 Scale, design and appearance

- 6.2.1 The proposal was originally for four dwellings and included car ports to the outside wall. Officers considered that these car ports and the flues included in the design of the dwellings that would have projected above the wall, would have negatively affected the character and appearance of the wall. In addition it was considered that the erection of four dwellings was an overdevelopment of the space. The amended plans indicate only two dwellings, the car ports and flues have been omitted and the amount of driveway and parking areas have been reduced. The proposed dwellings are contemporary in design but this enables them to be kept below the height of the wall and therefore the development would not be readily visible from public views. The contemporary design is considered to be appropriate and acceptable and will contrast with the traditionally built brick wall representing an effective design solution that will provide two dwellings with minimal impact on the character and appearance of the wall and the locality but will ensure its repair and preservation.

## 6.3 Highways / Access

- 6.3.1 The proposal includes improvements to an existing access and the provision of an access drive around the outside of the wall and adequate space for the parking and turning of up to three vehicles per dwelling. The proposal would not result in a

significant increase in traffic, vehicles would be able to access the highway in a forward gear and it is considered that the proposal would not impact on highway safety.

#### 6.4 **Drainage**

6.4.1 Surface water drainage would be provided via soakaways and foul drainage to the main sewer or septic tank. Surface water and foul drainage will be considered at the reserved matters stage or as part of building regulation approval, and informative(s) can be imposed advising what is required.

#### 6.5 **Ecology**

6.5.1 An ecological report has been submitted that found no protected species within the site or the vicinity of the site. The summary to the report states that the predominant habitat of the site is improved grassland and is therefore of low ecological value, notes that the River Severn (Montford to Shrewsbury) County Wildlife site is within 1km of the site and that there are two mapped ponds within 100m of the site that have low potential for breeding newts. Concludes that subject to Risk Avoidance Measures (RAMs) for Great Crested Newts and mitigation for small breeding birds it is not considered that the proposed development would have a negative impact on wildlife in the local area or the River Severn County Wildlife Site. The ecological value of the site will be enhanced by the provision of bat and bird boxes.

#### 7.0 **CONCLUSION**

7.1 It is appreciated that approving this development would be contrary to the Parish Council's wishes by allowing development outside the development boundary being promoted within SAMDev. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the proposal represents sustainable development as the site is within Bicton where there are a range of local services and facilities within walking distance and a regular bus service to Shrewsbury and Oswestry. The development will therefore not result in over reliance on the private motor car and it will provide two additional dwellings and would help support existing facilities and services. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an AHC and will be liable for the required CIL payment. It is considered that the scale, design and appearance of the development is acceptable and would not adversely impact on the character and appearance of the locality, would not impact on highway safety and would have no adverse environmental or ecological implications. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure an AHC in accordance with the Councils adopted policy.

## 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: NPPF

Core Strategy and Saved Policies: CS4, CS5, CS6 and CS17

11. Additional Information

**List of Background Papers:** File 13/04790/FUL

**Cabinet Member (Portfolio Holder):** Cllr M. Price

**Local Member:** Cllr John Overall

## 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. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Assessment by Star Ecology dated August 2013.

Reason: To ensure the protection of great crested newts

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

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

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

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations



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

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

6. A schedule of work relating to the repair of the walled garden shall be submitted to and approved in writing by the Local Planning Authority prior to the works commencing. Work shall be carried out in accordance with the approved schedule.

Reason: To ensure satisfactory preservation of the wall.

7. 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.

8. Prior to the dwellings hereby approved being first occupied, the access shall be formed in accordance with the approved drawings.

Reason: In the interests of highway safety.

9. At the access point onto the highway, a visibility splay measuring 33m along the carriageway edge to the East from a point 2.4m back from the carriageway at the centre of the access shall be provided prior to the dwellings being first occupied and shall be maintained thereafter in perpetuity.

Reason: In the interests of highway safety.

10. Prior to the first occupation of the dwellings details of 6 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

11. 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."

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

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

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

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area.



Committee and date  
 Central Planning Committee  
 3 April 2014

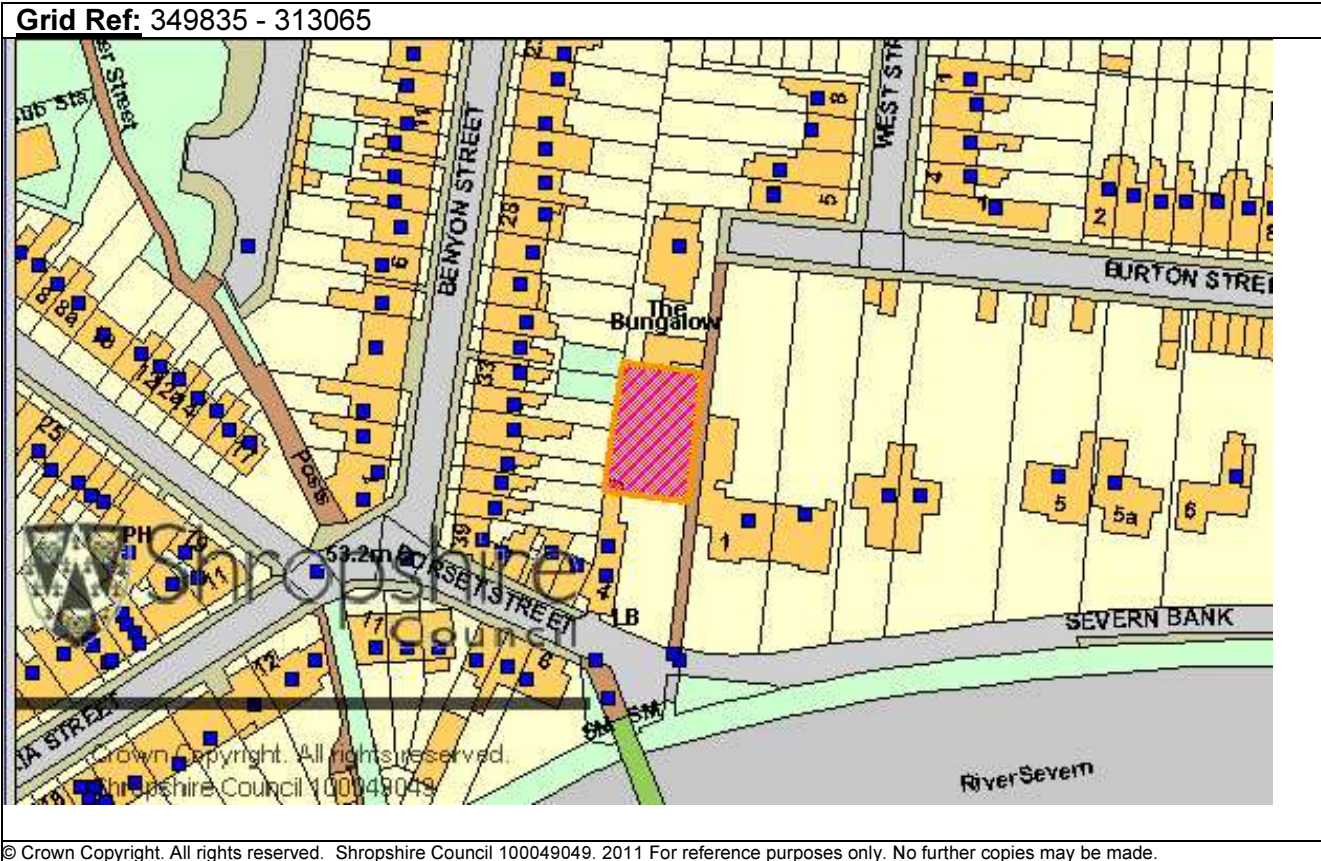
Item  
**9**  
 Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/00092/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Outline application (all matters reserved) for the erection of one dwelling; creation of pedestrian access		
<b>Site Address:</b> Dorset House Dorset Street Shrewsbury Shropshire SY1 2JB		
<b>Applicant:</b> Mr D Biddlecombe		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant AHC.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application relates to outline application for the erection of one dwelling in the side/rear garden associated with Dorset House with all matters reserved for later approval.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 Dorset House is an unlisted two storey rendered dwelling located at the junction of Dorset Street, the pedestrian only Severn Bank which runs along the river, and the northern termination of the Castle Bridge footbridge. The site is part of the side garden of Dorset house that measures approximately 42 metres deep and 12 metres wide at the rear and 9.5 metres wide at the front and is visible from this end of Dorset Street and from the footbridge. The property and the surrounding neighbourhood are within the 'Castlefields and Spring Gardens Special Character Area' which is part of the larger Shrewsbury Conservation Area. An Article 4(2) Direction applies to all of the properties along Dorset Street as well as those along Severn Bank. Donkey Alley, a pedestrian walkway linking Dorset Street to Burton Street runs along the long easterly boundary of the site, as does the long brick boundary wall of this walkway, which is an attractive feature of the area. The Article 4 Direction also applies to the Donkey Alley frontage as it is a public walkway.

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

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager agrees that the application should be determined by committee.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

4.1.1 SC Drainage – Recommends conditions and informatives for drainage detail to be submitted at the Reserved Matters stage.

4.1.2 SC Highways - The highway authority raises no objections to the granting of outline consent. The proposed dwelling would only have a pedestrian access and the only parking for the occupants or visitors would be on the public highway in the surrounding streets. The occupants may, of course, not own a car or have off-street parking facilities elsewhere. Although not in favour of this development from a highway point of view, not only from the parking difficulties but also the further vehicle movements that it may generate in the already cramped no-through road,

Dorset Street, considers that a highway objection would be difficult to defend due to the sustainable location of the property in close proximity to the town centre and local facilities.

- 4.1.3 SC Trees - This proposal does not appear to affect any important or protected amenity trees.
- 4.1.4 SC Affordable Houses - Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application. The proforma submitted with the application shows the correct rate for this area at this present time, but this may alter if the prevailing rate changes before a reserved matters or full application is submitted.
- 4.1.5 SC Archeology (Historic Environment) - No comments to make on this application with respect to archaeological matters.
- 4.1.6 SC Conservation (Historic Environment) - The linear plan form of the subject property forms an ideal transition between the very shallow properties to the west on Dorset Street and the very long lots characteristic of the properties to the east running between Severn Bank and Burton Street. This proposal would alter this plan form and reduce the open nature of the property as it runs along Donkey Alley with a new dwelling squeezed into this space. The indicative proposed block plan illustrates a built form that has little relationship to the more traditional buildings in this area, with the exception of 'The Bungalow' adjacent at the termination of Burton Street. It may be the applicant's intention to mimic some of the design features of 'The Bungalow' which is a relatively subservient building to others in the area. The Bungalow however has its front elevation facing the public highway; the indicative plan for the proposed new dwelling indicates that there would be no windows on the elevation facing Donkey Alley, which means a blank wall would face the public walkway, which is not normally an acceptable visual characteristic within the Conservation Area.

Because these lands are within the Conservation Area and located along, and at the junction of, a well-used pedestrian route, any dwelling that might be approved here will have to be built to a very high standard with high quality external materials that reflect those prevalent in the immediate area to ensure the dwelling will harmonize with the surrounding built form. The design, site layout, built form, materials, surfacing and overall external appearance of the dwelling must be such that it would maintain and preferably enhance the visual character of the Conservation Area here. It would be preferable at this stage to consider at least concept elevation drawings to better assess whether the proposed dwelling could meet this criteria. Any pedestrian opening to the Donkey Alley boundary wall would need to be kept to a minimum, the wall made good and full details of any pedestrian gate submitted and approved.

It is difficult to fully assess this proposal without concept drawings illustrating the elevational views of the proposed dwelling. These are necessary at this stage in order to assess the impact the development might have on the immediate neighbourhood and to comment on whether the development is considered to at least maintain the character or appearance of the Conservation Area.

#### 4.2 - Public Comments

4.2.1 Shrewsbury Town Council – OBJECTS - Members consider that development within the curtilage of this property constitutes an inappropriate development, detracting from the existing openness of the site and visual amenity for residents and users of the Castle Walk thoroughfare, providing minimal personal amenity space for the prospective owner and potentially a drain on the local parking provision given there is no provision in this outline application for anything other than pedestrian access.

4.2.2 Cllr Alan Mosely - The site is within a Conservation Area which is already over-developed. The development within the curtilage of this property constitutes an inappropriate development, detracting from the existing openness of the site and the visual amenity for local residents and users of the Donkey Alley. There are significant and serious parking problems in the surrounding area given the paucity of off-street parking, the density of housing and the number of properties in multiple occupation. This development would further exacerbate this situation given there is no provision proposed for anything other than pedestrian access. Given that the proposed building is shown at some distance from the highway there would be severe difficulties for emergency vehicles to gain access, especially given the parking in the area. The additional on-street parking may also hinder access to other properties. I would question the desirability of breaching the wall of Donkey Alley. Furthermore, I would request that, given these and other objections, the application be considered by Committee following a site visit.

4.2.3 13 letters of objection have been received from local residents summarised as follows:

The area is already over developed

It would detract from the existing openness of the site and would be detrimental to the character and appearance of the area

The open space viewed and enjoyed by people walking over the footbridge would be destroyed and this green site should be preserved

It will would result in a loss of privacy and light, and overshadow neighbouring properties

The views currently enjoyed by residents in Benyon Street would be affected

Existing windows in the side and rear of 1 Severn bank will overlook the site

It will affect the desirability of a neighbouring property for letting purposes and affect the value of surrounding properties

It is good that no parking will be provided as this end of Dorset Street as it is much used by pedestrians and cyclists, however the proposal has the potential to impact on the already limited on-street parking for existing residents in the locality

It will increase noise levels

Emergency vehicles would be unable to access the property

It is undesirable to breach the wall of the pedestrian walkway both aesthetically and from a security aspect

Considers the plans to be inaccurate in terms of the location of a lean to and the location of trees to be removed.

Concerned about flooding and drainage

## 5.0 THE MAIN ISSUES

Principle of development  
Layout, scale, design and appearance  
Highways/Access  
Impact on neighbouring properties  
Trees and landscaping  
Flooding/Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The development will be situated within an established residential area close to essential services and facilities and Shrewsbury Town Centre and therefore accords with the NPPFs presumption in favour of sustainable development and Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. CS11 requires that all new housing developments make a contribution to affordable housing (AHC) calculated at a rate at the time that the Reserved matters application is submitted. The applicant has signed the pro forma confirming that they are willing to enter into a S106 to secure the required AHC.

### 6.2 Layout, scale, design and appearance

6.2.1 The proposal is outline only with the scale, appearance, layout and landscaping reserved for later approval. The applicant sought pre-application advice prior to submitting the application and the scheme originally included parking for cars at the front of the site facing Dorset Street taking up some of the front garden. After consultation with Conservation and Highways the applicant was advised that the

plot size seemed large enough to accommodate a single dwelling without appearing cramped but having regard to the adverse impact parked cars would have on the appearance of the locality and an already congested area it would be beneficial to omit car parking from the scheme.

6.2.2 The submitted scheme includes no vehicular access or parking and an indicative block plan has been submitted that indicates a bungalow set well back within the plot with pedestrian access off the Donkey Alley. There is some concern that the proposal would detract from the existing openness of the site and the visual amenity for local residents and users of the Donkey Alley and pedestrians viewing the site from the footbridge over the river. The character and appearance of the locality is a close knit residential area built up to the river with a large area of open space on the opposite side of the river. The site is within a Conservation area and the properties are subject to an Article 4 direction the aim of which is to help preserve the visual character of dwellings facing the public highway. This proposed dwelling will be set well back by approximately 30 metres from the Dorset Street frontage but will face the Donkey Alley and will have a new pedestrian access onto this alley. The Conservation Officer has commented that it would be unacceptable if a blank wall faced the Donkey Alley; however the exact details of the proposal will be considered at the Reserved matters stage and it is considered that a bungalow could be designed with a frontage that faces the Donkey Alley with its front door facing the pedestrian access to be formed in the wall, without any adverse impact on visual or residential amenity.

6.2.3 The existing open nature of the site is due to the gap between Dorset House and 1 Severn Bank which currently forms the large side and rear garden of Dorset House and measures approximately 42 metres deep and 12 metres wide at the rear and 9.5 metres wide at the front. The site will occupy approximately half of the existing garden and will leave a good sized garden at the front approximately 9.5 metres wide and 22 metres deep to the side of Dorset House. The existing open space between Dorset House and the next property 1 Severn Bank will therefore be maintained and the vista when approaching the site over the footbridge will not appear significantly changed due to the proposed dwelling being a bungalow to be set back approximately 30 metres from the road frontage. It is considered that a sensitively designed bungalow set back within the site and only occupying the rear half of the existing garden would not result in the loss of the existing openness to be retained between the existing built development on either side. In addition the provision of a small gate within the existing wall of the Donkey Alley would not have a significant impact on its character and appearance. There is already a bungalow situated behind the site and this proposal would follow the same pattern of development. It is considered that the proposal would not have a negative adverse impact on the character and appearance of the area and that there are no significant adverse impacts that would outweigh the benefits of providing a small low cost dwelling in this sustainable location close to the town centre.

### 6.3 Highways

6.3.1 The proposal includes no vehicular access or parking provision but a pedestrian access onto the Donkey Alley. This is considered acceptable in this sustainable location close to the town centre. There is concern that emergency vehicles would



not be able to access the site. However ambulances or fire engines needing to attend the site could park at the head of Burton Street and access the site on foot from that location. This is the current situation for all of the properties that face pedestrian only Severn Bank at the front and Burton Street at the rear. These dwellings are however further from the highway than the proposed bungalow would be. It is accepted that congestion and parking within the area is an existing problem but the addition of a single two bedroom bungalow with no parking would not exacerbate this situation and is not a justifiable reason for refusal. The existing congestion and on street parking is affected by non residents parking in the area in order to walk into town. The addition of an additional dwelling would not change this and once all on and off street parking spaces are full both residents and non residents find somewhere else to park which is the current situation. Therefore congestion and the lack of parking for existing residents would not be affected by this proposal and it is not considered desirable that additional parking should be provided in the front garden of Dorset House.

#### **6.4 Impact on neighbouring properties**

6.4.1 The proposal indicates a bungalow and full details including the position of windows will be considered at the reserved matters stage. However as the property will be a bungalow it is not considered that any ground floor windows would result in overlooking and a loss of privacy and in addition would not appear overbearing or result in a loss of light for existing residents. There is no right to a view and perceived devaluation and impact on the outlook from the rear of properties in Benyon Street is not a material planning consideration.

#### **6.5 Trees and landscaping**

6.5.1 The proposal indicates the removal of three small trees or bushes and the Tree Officer has confirmed that the proposal does not affect any important or protected amenity trees. The proposal indicates that a boundary hedge will separate the site from the remaining garden for Dorset house and that a pedestrian wrought iron gate will be inserted in the wall to the Donkey Alley. Full landscaping details will be submitted at the reserved matters stage.

#### **6.6 Flooding/Drainage**

6.6.1 No part of the site is in flood zone 2 or 3 but only the bottom corner of the remaining garden nearest the river. There will therefore always be dry access via the pedestrian route along the Donkey Alley onto Burton Street. Foul drainage will be to the main sewer and surface water will be considered as part of an application for Reserved Matters or Building Regulation approval.

#### **7.0 CONCLUSION**

7.1 The provision of a small two bedroom bungalow in this highly sustainable location close to the town centre is acceptable and should be supported unless there are any adverse impacts that would outweigh the benefits. It is considered that a sensitively designed bungalow that fronts the Donkey Alley and is set back 30 metres from the Burton Street frontage would preserve the existing openness

between Dorset House and 1 Severn Bank and would not have an adverse impact on the character and appearance of the locality or adversely impact on residential amenity. The proposal includes no parking provision and this is considered acceptable in this sustainable location close to the Town Centre and would not add to the existing congestion in the locality as the proposal would not result in additional vehicular activity at the site. Members are therefore advised to approve this application unless they consider there are defensible reasons for refusing it.

## 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: NPPF

Core Strategy and Saved Policies: CS2, CS6, CS11 and CS17

### 11. Additional Information

<b>List of Background Papers:</b> File 14/00092/OUT
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Alan Mosley
<b>Appendices</b> APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the siting, scale, appearance and landscaping hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. This permission does not purport to grant consent for the layout shown on the deposited plan Number 03 submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.



Committee and date

Central Planning Committee

3 April 2014

Item

**10**

Public

## Development Management Report

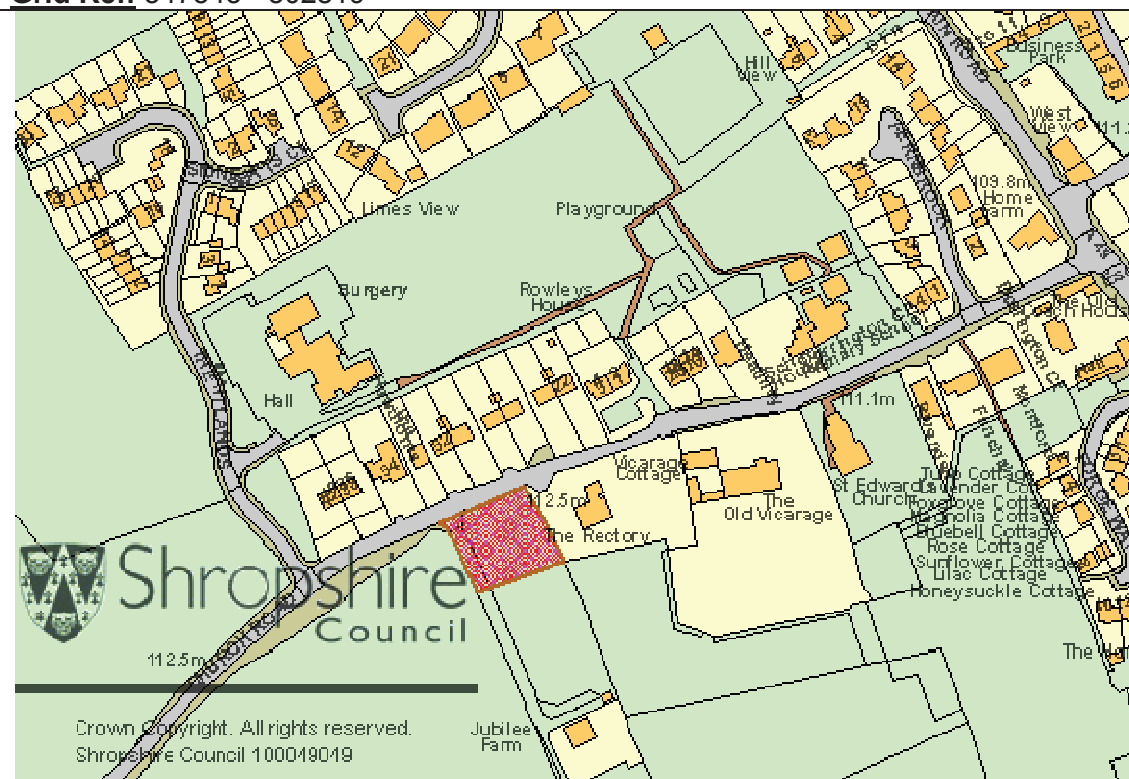
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 14/00188/OUT	<b>Parish:</b> Condover
<b>Proposal:</b> Outline planning application for the erection of 2 detached dwellings	
<b>Site Address:</b> Land At Jubilee Farm Church Road Dorrington Shrewsbury SY5 7JL	
<b>Applicant:</b> J A, D L And B C Oakley	
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 347545 - 302819



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**Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.**

## **REPORT**

### **1.0 PURPOSE OF REPORT**

**1.1** The purpose of this report is to update Members on any implications of the Planning Practice Guidance released on the 6<sup>th</sup> March 2013 on Shropshire Council's five year housing land supply following a resolution to defer the application of these grounds. The practice guidance provides a streamlined version of other government guidance which has now been cancelled: it has not changed the status of the NPPF, the interpretation of which remains a matter of law. Shropshire's position with regard to the 5 year land supply and decision taking in accordance with the NPPF has not changed as a consequence of the Planning Guidance and the recommendation for the approval of this application remains.

### **4.0 ADDITIONAL REPRESENTATION**

#### **4.1 PUBLIC COMMENTS**

**4.1.1** Members were updated on the one additional letter of support through the Additional Representation procedure; no addition letters have been received. The letter is supportive of the application on the following grounds:

- Small development of two dwellings in keeping with the village plan and does not result in over development.
- The village also needs a variety of houses such as these so that local people can stay locally rather than moving out of the area when looking to move to larger houses as their families grow.
- It is very central to all local amenities so keeping to the heart of the village without being detrimental to the area.
- Sort of development village needs rather than large developments such as have been put forward by other developers in recent months which would not be supported.

**APPENDIX 1**



Committee and date
6 <sup>th</sup> March 2014

Item
Public

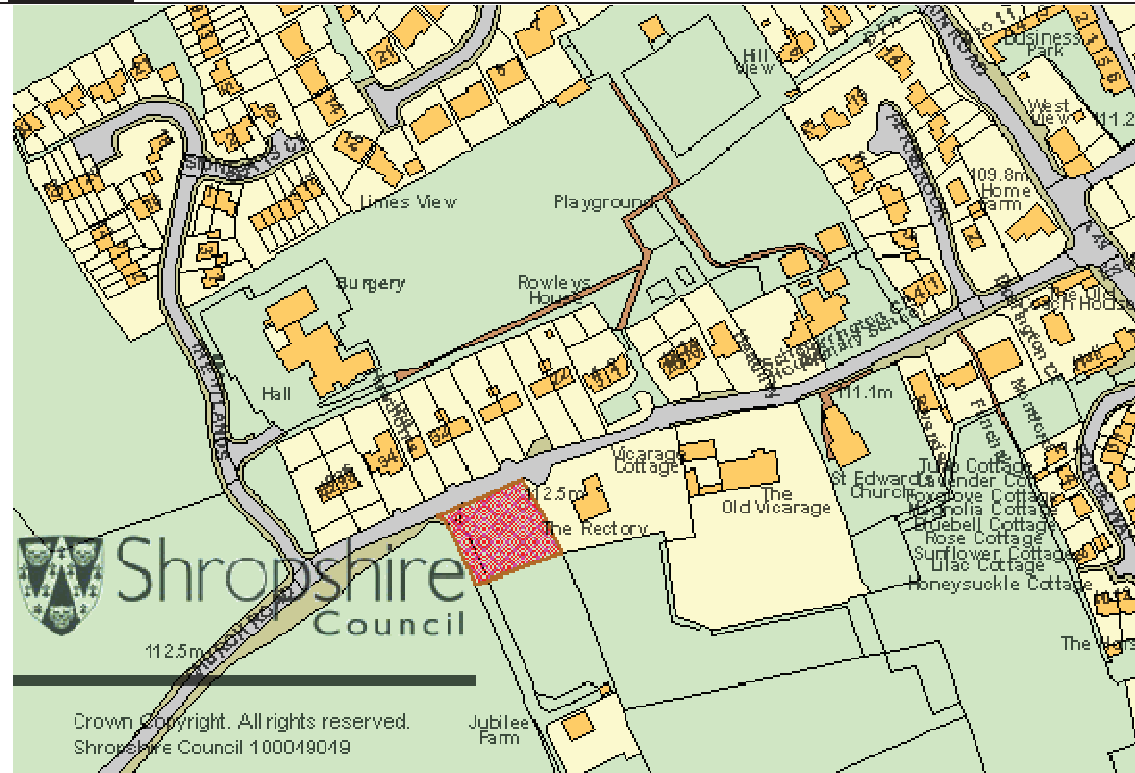
**Development Management Report**

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

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**Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 The application is for outline planning application for the erection of 2 detached dwellings with all matters reserved for later approval. The application form states that the dwellings would be 4+ bed but this should only be read as a guide as the scale of the dwellings is reserved for later approval and would be assessed at reserved matters.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located outside of the Dorrington Village Boundary as defined by saved SABC Policy H3: Housing in Villages with Development Boundaries and the Boundary proposed under the SAMDev Final Submission and is therefore located in an area of countryside for planning policy purposes.

2.2 The site which extends to 0.1 ha is located on the western edge of the village boundary of Dorrington adjacent to The Rectory and to the south Church Road and bound by a private drive serving Jubilee Farm to the west.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Dorrington Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### 4.0 Community Representations

#### 4.1 Consultee Comments

##### 4.1.1 SC Highways: Recommendation:-

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

Conditions:- None recommended.

Informatives:- None.

Key Issues:-Access: Vehicular access to the two proposed dwellings would be via the existing access to Jubilee Farm which will remain unaltered by the scheme. I consider this access point onto the highway to have the capacity to accommodate the likely vehicle movements arising from the occupation of the two proposed dwellings along with the present level of movements associated with the farm.

Background:- No additional comment.



- 4.1.2 SC Drainage:** Drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.
- 4.1.3 SC Trees:** No objection subject to the attachment of a conditioning requiring the submission of an Arboricultural Implication Assessment (AIA) with the first of the reserved matters.
- 4.1.4 SC Ecology:** The site has the potential to support nesting birds. The suggested informative in respect of nesting birds should be included on the decision notice.
- 4.2 Public Comments**
- 4.2.1 Conover Parish Council:** Following two well attended meetings of the Parish Council on 4/2 and 18/2 where local residents expressed their opposition to the above planning application, the Parish Council have agreed to oppose the application on the following grounds:

The development site was considered in the SAMDev process (described below) and not selected as it was deemed to be less suitable than other potential development sites. In particular the site was excluded as it was not supported as a preferred site by Shropshire Council Planning. Sustainability issues exist and are based primarily on:

- ☐ **Access** - Church Road; Dorrington is particularly narrow and busy; as a result of parking and being the location of the local primary school; access is therefore considered to be an issue.
- ☐ **Lack of pavement** - There is no pedestrian access to the proposed site, given that Church Road is narrow and has parking issues this increases the risk of pedestrians incurring injury.
- ☐ **Housing Type** - The proposed housing does not meet the housing needs of the village as determined by the Parish Plan (2009) and confirmed in subsequent public consultations.

The Parish Council and Community trust that Shropshire Council will give significant weight to the Parish Council's SAMDev submission. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked Dorrington's Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services. Providing the potential to build 30/32 additional homes which will meet the economic and social needs of the village. Developers detailed plans as presented to the Community and Council include a healthy mix of house types which include affordable homes and bungalows which the Community identified as a need in the 2009 Parish Plan. This has been incorporated into the SAMDev document. The Parish Council trusts these comments will be considered before a planning decision is made. Should the Planning Officer be minded to recommend approval

of this application the Parish Council would like to recommend that the application be referred to the Central Planning Committee and that the PC is given the opportunity to address the Committee.

**4.2.2 Public Comments:** 3 letters (2 from same household) and objecting to the scheme on the following grounds:

- Proposal outside development boundary in an area of countryside.
- Adverse impact on character of countryside.
- Church Road already has a large volume of traffic, including large farm traffic, horseboxes attending Netley Hall, housing estate at The Maitlands, doctors' surgery and village hall as well as traffic serving addition properties.
- What is assumed to have been a traffic survey was conducted when horse events at Netley Hall were over and after harvest of crops; survey should have been conducted in late summer to get an accurate representation.
- Principle of development will set precedent for similar developments.
- Church Road is only a lane, especially at the point where Jubilee Farm exits onto Church Road which cannot accommodate any more traffic and is of insufficient width for the simultaneous passing of two vehicles with no footpath (the footpath only being from The Old Vicarage down towards the A49 and this is blocked by parked vehicles) with vehicle speeds leading to conditions detrimental to pedestrian safety.
- There has already been accident involving two dogs on Church Lane so any more traffic added to this will not be acceptable or safe.
- Loss of view
- The field has previously been used by Dorrington School's sports day and has more recently been used for grazing animals and this use should continue.
- There are enough brown sites in the county that could be developed before this piece of land, or any other piece of land in the countryside.
- Dorrington is already big enough and it is almost impossible to get out of Church Road onto the A49 for the volume of traffic.

A petition containing approximately 22 names has also been received objecting to the scheme.

**4.2.3** In response the Applicant has provided the following:

- This site is not included in the SAMDEV for Dorrington but it was consulted on and initially included until it was removed by Shropshire Council as they had included the whole field rather than this small proportion of it and no residents had any objections to it at the time.
- There is a very large development for 19 houses (reduced from 38 originally!) proposed presently within the village which is completely unsuitable and unsustainable and it would mean a massive change to the village design and it is by no means included in the recent SAMDEV and has received an enormous amount of objections.

- One reason we have proposed this application was because smaller pockets of development are more suitable to the village as a whole and Shropshire council is in need of a 5 year plus 20% land supply as per NPPF. This application is central to the village and all its amenities and has good access which is what SAMDEV was considered on.
- The application is extremely small in size and is in fact only a quarter of an acre so it will have very little impact on the village design. It is also very unlikely to make much impact on traffic on church road as there would be a maximum of only 4 extra cars to these two properties. The traffic to Netley Hall is considerable and has a much bigger impact than this small development would have.
- Exception is taken to the comments raising non material planning considerations.
- Church road is admittedly narrow in one area but the entrance to Jubilee is actually the widest part of this road so yet again this is inaccurate.
- There is a footpath which leads from the village hall along the field behind church road which is used by most residents to access the amenities and this links up to the footpath outside the old vicarage.
- Accident on Church Road involving dogs The dogs which were hit on church road were running loose and unattended which is how the incidents occurred and it is by no means a dangerous road.
- Photographs are included showing the view from in front the neighbouring property (28 Church Road). This shows that the development will have very little impact on the view as presently there is a very large hedge which obstructs the view from this area and the hills can be seen to the right of here and this view will not be impacted at all. People walking along the road will have the same view of the hills as they do now as the hills are not positioned behind Jubilee but they are to the right of here and will be seen just as they are now.
- It has been mentioned the field being used for school sports day and this is because it was volunteered to be used in this way. Only a small portion of this field will be used in the application so the remainder of the land could be volunteered as seen fit.
- The objection refers to Brownfield sites in the county which could be developed. However it is very well documented that Shropshire Council do not have the designated 5 year plus 20% land supply which they must have via NPPF as a government policy so these sites are needed.
- The only real issue regarding the volume of traffic along Church road is access onto the A49 which is hard to gain entry to but the volume along Church road is actually very low volume traffic and with the exception of Netley Hall traffic for events it is not considered hard to gain access to this road.

- The two letters of objection also arise from the same household.

#### 4.2.4 One letter received supporting the application on the following grounds:

- Dorrington is in need of four bed detached properties to add to diversify of house types.
- Property would be built in centre of village where community facilities are easily accessible (school, village hall, church and doctors).

## 5.0 THE MAIN ISSUES

### Principle of development

### Siting, scale and design of structure / Impact on neighbouring amenity

### Highways and access

### Trees

### Ecology

### Surface Water Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

**6.1.1** Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

**6.1.2** With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

**6.1.3** Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Revised Preferred Options' stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where significant weight can be attached.

- 6.1.4** Dorrington and Stapleton and Condover are coming forward as a 'Community Cluster' and the Revised Preferred Options' proposal indicates a development boundary. This site is just outside the development boundary for Dorrington and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Dorrington. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Dorrington.
- 6.1.5** Dorrington is a close knit community predominantly situated to either side of the A49. There are a range of services and facilities within the village, including a primary school, shop, post office, village hall, public house and a restaurant and it is serviced by a regular bus service between Shrewsbury and Church Stretton/Ludlow. Although the site is located at the northern end of the village it is considered that all of these services are within walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.1.6** However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with

accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**6.1.7** Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of two additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

**6.1.8** Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations.

**6.1.9** Environmental role – The site forms part of a field with no heritage, cultural or ecological designation. Whilst it is currently utilised as pasture land it has little ecological value with the only feature of any ecological value being the boundary hedges and trees that may be retained and enhanced with additional landscaping. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury, Church Stretton and Ludlow.

## **6.2 Siting, scale and design of structure / Impact on neighbouring amenity**

**6.2.1** The proposal is outline only with all matters (access, appearance, landscaping, layout and scale) reserved for later approval. However it is considered that the provision of two detached dwellings is appropriate and the submission of reserved matters will ensure that proposed dwellings are of a scale and design which protect and conserve the local context and character of the area. Similarly the impact on the neighbouring properties will be considered at the reserved matters stage.

## **6.3 Highways and access**

**6.3.1** Access has been reserved for later approval. However, Shropshire Council's Highways Development Control have provided commented on the application and have no objection to access being provided from the existing private drive serving

Jubilee Farm. Local residents and the Parish Council have commented on the width of Church Road, which is suggested is restricted by parked vehicles accessing the school, and are concerned that the lack of a footway will lead to issues of pedestrian safety. However it is not considered that the additional traffic generated by two vehicles would lead to a significant or demonstrable increase in traffic movements and there is no objection to the scheme on these grounds.

#### **6.4 Trees**

**6.4.1** The application has been referred to the Council's Tree Officer who has no objection subject to the attachment of a conditioning requiring the submission of an Arboricultural Implication Assessment (AIA) with the first of the reserved matters in order to assess the impact of the proposed development on the trees at the front of the site.

#### **6.5 Ecology**

**6.5.1** The application has been referred to the Planning Ecologist who has no objection subject to the attachment of an informative in respect of nesting birds.

#### **6.6 Surface Water Drainage**

**6.6.1** Drainage of surface and will be considered at the reserved matters stage and informative(s) have been imposed advising of the requirements. However the application form states that surface water drainage would be provided via soakaways which is the sequentially preferable method of disposal in accordance with the requirements of CS18.

#### **7.0 CONCLUSION**

**7.1** It is appreciated that approving this development would be contrary to the Parish Council's wishes by allowing development outside the development boundary. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date. The NPPF sets out that the priority is therefore to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is an appropriate location for two additional dwellings as it is situated adjacent to existing houses adjacent to the edge of the village and could be accessed off the existing private drive serving Jubilee Farm. The proposal would also have no adverse environmental or ecological implications and would not impact on highway safety. The detailed character and appearance of the buildings will be considered at the reserved matters stage as well as any impact on residential amenity of neighbours.

**7.2** It is considered that the proposal represents sustainable development as the site is adjacent to the edge of Dorrington where there are a range of local services within walking distance and a regular bus service to Shrewsbury and Ludlow. The development will therefore not result in over reliance on the private motor car and it will provide an additional dwelling and would help support existing facilities and services and therefore promote 'strong, vibrant and healthy communities'. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an Affordable Housing Contribution (AHC) and will be liable for the required CIL payment. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the

NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure an AHC in accordance with the Councils adopted policy.

## **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:  
 CS1 – Strategic Approach  
 CS2 – Shrewsbury Development Strategy  
 CS4 – Community Hubs and Community Clusters  
 CS5 – Countryside and Green Belt  
 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

SUPPLEMENTARY PLANNING DOCUMENTS  
 Type and Affordability of Housing  
 Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:  
 No relevant planning history.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Tim Barker
<b>Appendices</b> APPENDIX 2 - Conditions

## APPENDIX 2

### Conditions

#### STANDARD CONDITION(S)

1. Details of the Appearance, Landscaping, Layout and Scale shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The number of units  
The means of enclosure of the site  
The drainage of the site

Reason: To ensure the development is of an appropriate standard.

5. An arboricultural implication assessment (AIA) prepared, in accordance with BS 5837: 2012 "Trees in relation to Design Demolition and Construction" should be submitted with the first of the Reserved Matters. This assessment should consider the implications of the development in terms of its impact on the trees and identify where trees can be successfully retained and provide justification where trees are to be removed. The assessment should demonstrate that retained trees can be protected during the construction phase to the standards recommended in BS 5837: 2012 and that they will not be detrimental to the reasonable enjoyment of the new dwellings in the future.

Reason: To assess the impact of the development on the existing trees.

**Informative(s)**

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways.

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

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

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

4. As part of the SuDS, the applicant should consider employing measures such as the following:

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

Details of the use of SuDS should be indicated on the drainage plan.

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

5. Consent is required from the service provider to connect into the foul main sewer.
6. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street

Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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

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

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



Committee and date  
 Central Planning Committee  
 3 April 2014

Item  
**11**  
 Public

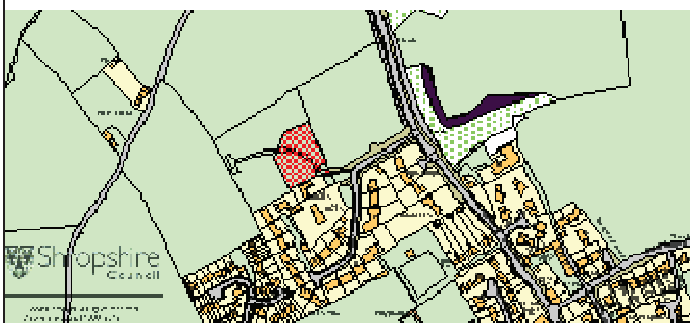
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/00190/OUT	<b>Parish:</b>	Condover
<b>Proposal:</b> Outline planning application for the erection of two detached dwellings (all matters reserved)		
<b>Site Address:</b> Proposed Residential Development Land Off Limes Paddock Dorrington Shrewsbury Shropshire		
<b>Applicant:</b> Mrs K Miller		
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347454 - 303189



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**Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 2.**

## **REPORT**

### **1.0 PURPOSE OF REPORT**

**1.1** The purpose of this report is to update Members on any implications of the Planning Practice Guidance released on the 6<sup>th</sup> March 2013 on Shropshire Council's five year housing land supply following a resolution to defer the application of these grounds. The practice guidance provides a streamlined version of other government guidance which has now been cancelled: it has not changed the status of the NPPF, the interpretation of which remains a matter of law. Shropshire's position with regard to the 5 year land supply and decision taking in accordance with the NPPF has not changed as a consequence of the Planning Guidance and the recommendation for the approval of this application remains.

### **4.0 ADDITIONAL REPRESENTATION**

#### **4.1 CONSULTEE COMMENTS - HIGHWAYS AGENCY**

**4.1.1** The anticipated vehicle movements arising as a result of the development are unlikely to have any significant impact upon the A49 and its junction with Limes Paddock. The junction has sufficient visibility in a low speed environment where there have been no collisions in the last 5 years. Accordingly the Highways Agency raises no objection.

**APPENDIX 1**



Committee and date
6 <sup>th</sup> March 2014

Item
Public

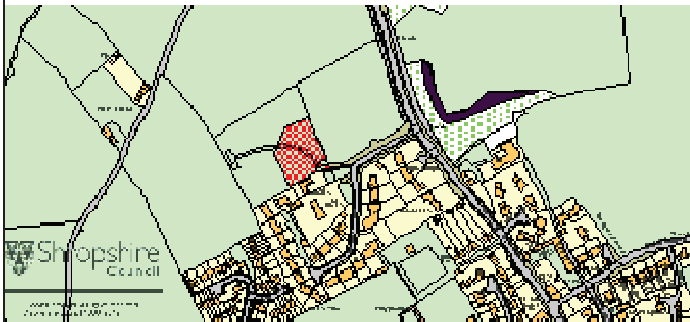
Development Management Report

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

**Summary of Application**

<b>Application Number:</b> 14/00190/OUT	<b>Parish:</b>	Condover
<b>Proposal:</b> Outline planning application for the erection of two detached dwellings (all matters reserved)		
<b>Site Address:</b> Proposed Residential Development Land Off Limes Paddock Dorrington Shrewsbury Shropshire		
<b>Applicant:</b> Mrs K Miller		
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347454 - 303189



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**Recommendation:- Request that delegated authority be given to the Area Planning Manager to Grant Permission subject to the conditions set out in Appendix 1 and s106 legal agreement to secure the affordable housing contribution, subject to no new material considerations being raised as a result of the proposal being advertised as a Departure.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for outline planning permission for the erection of two detached dwellings with all matters reserved for later approval.
- 1.2 This is a departure from the Adopted Core Strategy and will be advertised as such.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site forms part of a larger field (pasture) that is situated to the north of Limes Paddock, at the northern edge of the village of Dorrington. The larger field boundary was previously put forward as part of the housing land allocations (as was the adjacent field to the east) under the Samdev process but was not chosen as a preferred option site. Limes Paddock is a modern development of detached houses.
- 2.2 The submitted site plan includes scope for vehicular access to be taken from Limes Paddock via an existing private driveway that extends off the northern side of Limes Paddock. The submitted site plan indicates a track/access running across the centre of the site leading north west providing access to a pumping station situated to the west of the application site. The eastern site boundary is formed by an existing field boundary consisting of hedgerow/trees with the northern and western boundaries not currently being defined on site. Land levels fall downhill in north westerly direction, away from Lime Paddocks.
- 2.3 The closest residential property to the site is a two storey dwelling house, The Limes, which is situated to the south of the site and currently utilises the private driveway off The Limes estate road mentioned above. This property and the two properties to the west of The Limes form the northern most extent of the housing development at this northern edge of Dorrington.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager agrees that the application should be determined by committee.



## 4.0 Community Representations

### 4.1 - Consultee Comments

SC Highways DC – No objections

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

The proposed dwellings would share an existing vehicular access onto Limes Paddock, which is a short no-through road serving a number of existing dwellings. It is considered that this road and its junction with the A49 Trunk Road has the capacity to accommodate the likely additional vehicle movements associated with the occupation of two more domestic dwellings.

SC Drainage – No objections

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

1. The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. A catch pit should be provided on the upstream side of the proposed soakaways.

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

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

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

3. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

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

Details of the use of SuDS should be indicated on the drainage plan.

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

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

SC Ecologist – No comments

There are no ecology comments on this application.

SC Affordable Houses – No objections

Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

Highways Agency – awaited

Condover Parish Council – Objection

Following two well attended meetings of the Parish Council on 4/2 and 18/2 where local residents expressed their opposition to the above planning application, the Parish Council have agreed to oppose the application on the following grounds:

The development site was considered in the SAMDev process (described below) and was overwhelmingly rejected by the Community as it was deemed to be less suitable than other potential development sites. In particular the site was excluded as it was not supported as a preferred site by Shropshire Council Planning due to the topography of the site and extension of the village to the north and Shrewsbury. Sustainability issues exist and are based primarily on:

- **Access** – the “T” junction access at Limes Paddock on to the A49 is particularly dangerous, as vehicles approach from the north at speed over the brow of a hill. This is therefore considered to be an issue.
- **Housing Type** - The proposed housing does not meet the housing needs of the village as determined by the Parish Plan (2009) and confirmed in subsequent public consultations.
- **Further Development** – The development of the site will open the door to further development off this site and the adjacent field which will result in further extension of the village to the north away from central village facilities such as the school, shop, village hall and doctors surgery. This was strongly opposed by residents during the SAMDev consultation process.
- **Public Transport** – There is no bus service to the north of Dorrington.

The Parish Council and Community trust that Shropshire Council will give significant weight to the Parish Council’s SAMDev submission. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its

Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in “Localism”; planning from the bottom up and a huge investment in people’s time, and resource which should not be overlooked.

Dorrington’s Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services. Providing the potential to build 30/32 additional homes which will meet the economic and social needs of the village. Developers detailed plans as presented to the Community and Council include a healthy mix of house types which include affordable homes and bungalows which the Community identified as a need in the 2009 Parish Plan. This has been incorporated into the SAMDev document.

The Parish Council trusts these comments will be considered before a planning decision is made. Should the Planning Officer be minded to recommend approval of this application the Parish Council would like to recommend that the application be referred to the Central Planning Committee and that the PC is given the opportunity to address the Committee.

#### 4.2 - Public Comments

19 letters of objection received from 13 addresses are summarised below:

Rejected Samdev site and circumstances relating to this site have not changed; the Samdev policy was developed by Dorrington Parish Council following exhaustive consultation with residents and examined by Shropshire Council; the credibility of the whole Samdev process is called into question if its conclusions are ignored or flouted; this site is not a windfall site, falling outside of the village development boundary and is not a preferred option for development; granting permission will open the way for more building on adjacent land; The National Planning Policy framework states that it "provides a framework within which local people and their accountable councils can produce their own distinctive and local neighbourhood plans, which reflect the needs and priorities of their communities". It also states that "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise"; the last time this area was suggested for development, the Highways Agency objected to extra movement on the existing junction with the busy A49 trunk road, as the access is restricted by poor visibility for vehicles turning onto and off this road; developers have not been prepared to build on allocated sites which has resulted in Shropshire undersupplying new housing in the county; development would ruin the scenery of the village and its natural surroundings.

1 letter of support received summarised as follows:

Provided there is no intention of gaining planning permission for the remaining land, I would support this application on the grounds that the intended structure is of same quality as those already in the immediate area.

**5.0 THE MAIN ISSUES**

Principle of development  
 Scale, Layout and appearance  
 Highways and access  
 Trees and landscaping  
 Ecology  
 Drainage  
 Developer contributions

**6.0 OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

and that:

'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the 'Pre-Submission Draft Plan (or Final Plan)' stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council's view is that the SAMDev Plan has reached a point, being settlement

and site specific and having undergone very substantial public consultation, where some degree of weight can be attached.

- 6.1.4 Dorrington and Stapleton and Condover are coming forward as a 'Community Cluster' and the Revised Preferred Options' proposal indicates a development boundary. This site is just outside the development boundary for Dorrington and therefore allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations regarding the location of new development within Dorrington. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Dorrington.
- 6.1.5 Dorrington is a close knit community predominantly situated to either side of the A49. There are a range of services and facilities within the village, including a primary school, shop, post office, village hall, public house and a restaurant and it is serviced by a regular bus service between Shrewsbury and Church Stretton/Ludlow. Although the site is located at the northern end of the village it is considered that all of these services are within walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.1.6 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- ② an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of two additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.8 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations.
- 6.1.9 Environmental role – The site forms part of a field with no heritage, cultural or ecological designation. Whilst it is currently utilised as pasture land it has little ecological value with the only feature of any ecological value being the boundary hedges and trees that may be retained and enhanced with additional landscaping. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury, Church Stretton and Ludlow.
- 6.2 Scale, layout and appearance
- 6.2.1 The proposal is outline only with all matters (access, appearance, landscaping, layout and scale) reserved for later approval. However it is considered that the provision of two detached dwellings on the footprint shown on the indicative plan submitted is appropriate and would potentially reflect the style and size of existing housing situated within Limes Paddock and that the site is of sufficient size to adequately accommodate the proposal. The impact on the neighbouring property and the character and appearance of the locality will be considered at the reserved matters stage.
- 6.3 Highways and access
- 6.3.1 The proposed dwellings would share an existing vehicular access onto Limes Paddock, which is a short no-through road serving a number of existing dwellings. The Council's Highways Engineers consider that this road and its junction with the A49 Trunk Road to have the capacity to accommodate the likely additional vehicle movements associated with the occupation of two more domestic dwellings.

- 6.3.2 It is noted that the site (as part of a larger site) was rejected as a preferred site for the Samdev allocation partly on the grounds that the existing access onto the A49 is limited due to its position close to the brow of a hill. The comments of the Highways Agency have been sought on this application and are awaited.
- 6.4 Trees & Landscaping
- 6.4.1 No details of the proposed landscaping of the site have been submitted and would form part of the reserved matters submission. The submitted indicative block plan shows the existing hedgerow/trees retained along the eastern site boundary.
- 6.5 Ecology
- 6.5.1 No ecological reports have been submitted with the application. The site is part of an open field with no ponds in the immediate vicinity. Comments of the Council's Ecologist are awaited.
- 6.6 Drainage
- 6.6.1 Surface water drainage would be provided via soakaways. Drainage of surface and foul waste will be considered at the reserved matters stage or as part of building regulation approval, and informatives can be imposed advising what is required.
- 7.0 CONCLUSION**
- 7.1 It is appreciated that approving this development would be contrary to the Parish Council's wishes by allowing development outside the development boundary. However the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date. The NPPF sets out that the priority is therefore to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is an appropriate location for two additional dwellings as it is situated adjacent to existing houses adjacent to the edge of the village and could be accessed off an existing estate road. The proposal would also have no adverse environmental or ecological implications and would not impact on highway safety. The detailed character and appearance of the buildings will be considered at the reserved matters stage as well as any impact on residential amenity of neighbours.
- 7.2 It is considered that the proposal represents sustainable development as the site is adjacent to the edge of Dorrington where there are a range of local services within walking distance and a regular bus service to Shrewsbury and Ludlow. The development will therefore not result in over reliance on the private motor car and it will provide an additional dwelling and would help support existing facilities and services and therefore promote 'strong, vibrant and healthy communities'. The existing infrastructure is sufficient to support the proposed development and the proposal will provide an Affordable Housing Contribution (AHC) and will be liable for the required CIL payment. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure an AHC in accordance with the Council's adopted policy.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the



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

10. Background

Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:  
Policies CS4, CS5, CS11, CS17  
SAMDev Plan: Policies MD1 Scale and Distribution of Development; MD3 Managing Housing Development  
SABC Local Plan - Saved Policy HS3

RELEVANT PLANNING HISTORY:

n/a

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Tim Barker
<b>Appendices</b> APPENDIX 2 - Conditions

**APPENDIX 2****Conditions****STANDARD CONDITION(S)**

1. Details of the access, appearance, landscaping, layout and scale shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

**Informatives**

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
3. 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.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In

accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. 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.

5. As part of the SuDS, the applicant should consider employing measures such as the following:
  - ' Water Butts
  - ' Rainwater harvesting system
  - ' Permeable surfacing on any new driveway, parking area/ paved area
  - ' Attenuation
  - ' Grey water recycling system
  - ' Green roofs
6. Consent is required from the service provider to connect into the foul main sewer.

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Committee and date  
 Central Planning Committee  
 3 April 2014

Item  
12  
 Public

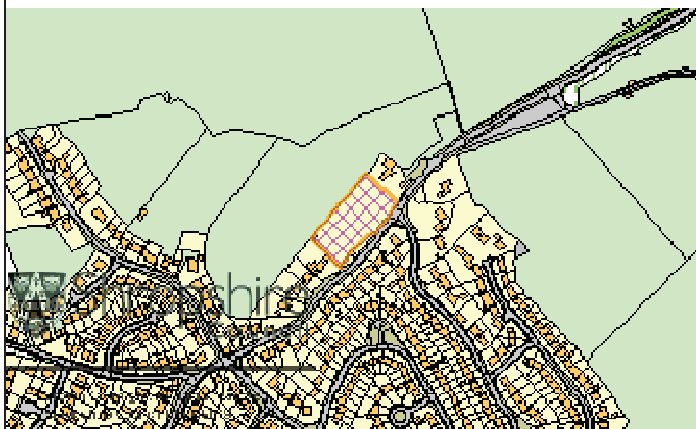
## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 14/00254/FUL	<b><u>Parish:</u></b>	Bayston Hill
<b><u>Proposal:</u></b> Erection of nine dwellings and associated garages; formation of vehicular access		
<b><u>Site Address:</u></b> Development Land Adj Leylands Pulley Lane Bayston Hill Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Shropshire Homes Ltd		
<b><u>Case Officer:</u></b> Joe Crook		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 347651 - 309356



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposed development is for the erection of nine dwellings and associated garages; formation of vehicular access.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a rectangular plot of land to the north west of Bayston Hill on Pulley Lane. It is located between two detached dwellings and lies opposite residential properties on Pulley Lane, and Green Lane beyond this which are part of the main residential core of Bayston Hill.

### 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies and no contrary opinions have been received that would require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

### 4.0 Community Representations

#### - Consultee Comments

Bayston Hill Parish Council - Following consideration of all documentation associated with the above application at a Parish Council Planning Committee meeting held on Monday 10 February 2014, Bayston Hill Parish Council would like to register an **OBJECTION** to the proposed development.

The proposal from Shropshire Homes to erect nine new dwellings, their associated garages and to create a vehicular access to the Leylands site on Pulley Lane, Bayston Hill is objected to for the following reasons:

#### BAYSTON HILL DEVELOPMENT BOUNDARY

In recent years and during the SAMDEV consultation periods Bayston Hill Parish Council has worked together with residents to identify suitable development sites to accommodate new housing. The proposed site for the above planning application was not included as a suitable site as it sits outside of the recognised development boundary and would involve building on a field that forms part of the gap between the town of Shrewsbury and Bayston Hill. The Bayston Hill Parish Plan quite clearly states that the land in this part of the village should be protected and although yet to be implemented, the SAMDEV supports protection of this gap. There is a concern that, if successful, this development will set a precedent for further expansion and will reduce the clear definition between Shrewsbury and Bayston Hill.

Additionally in the Shrewsbury & Atcham Local Plan it was recognised that ‘it is particularly important to protect the area of countryside lying between Bayston Hill and Shrewsbury, even a small amount of development on either side of the bypass in this area would serve to reduce the gap and contribute to the amalgamation of the two settlements.’

## ROAD SAFETY

Pulley Lane is a very busy road especially at rush hour times and the proposed location for the vehicular access to this site is on a bend, opposite another busy access to Green Lane and adjacent to the existing speed calming fixtures. Visibility is very poor in this area due to it being a residential area where vehicles are regularly parked along the road, the banks are very high and in places heavily covered in foliage. There is a pavement but only on one side of the road opposite the proposed entrance and it is narrow and steep.

Pulley Lane is a main access road to Bayston Hill and is used by commuters and emergency vehicles alike, it is also used by some vehicles wishing to beat hold ups at Dobbies roundabout. The road narrows towards the top of Pulley Lane and there are very few opportunities to pass in the more built up area, in addition the Sunday bus service is routed along Pulley Lane.

The addition of nine predominantly four bedroom dwellings in this part of the village will add at least a further 18 vehicles to an already busy stretch of road attempting to access and exit Pulley Lane where it is narrow, steep and with poor visibility. The size of the properties would also suggest that a number of children would be residing there, their safety on this road is also of concern.

## HOUSING MIX

Whilst it is acknowledged that the housing design for this proposed development is attractive, there is no local requirement for this type of housing. A high proportion of the properties in Bayston Hill have three bedrooms or more and a need for affordable homes and retirement properties has regularly been identified. This has been reiterated at recent consultation events relating to a site which is due to be developed in the near future and which is likely to provide upwards of 35 new homes. Whilst still in the early planning stages it is thought that development of this central village location will put Bayston Hill well above the 60 new houses it has committed to within the SAMDEV.

## CONCLUSION

To conclude, Bayston Hill Parish Council is registering an **OBJECTION** to planning application 14/00254/FUL because it is situated outside of the recognised Development Boundary, significant road safety and access issues and because there is no requirement for this type of housing within Bayston Hill. It is therefore requested that this planning application be refused by the Planning Department.

SC Ecologist – No objections subject to conditions and informatives.

SC Highways – The highway authority raises no objections to the granting of consent subject to conditions

The access layout shown on the submitted drawing is satisfactory for the location, from a highway aspect. The visibility splay achievable to the north-east, indicated on the submitted drawing, is slightly less than normally required due to the position of the highway boundary wall on the neighbouring property. It is considered however that at this location where traffic from this direction has just travelled over the existing traffic calming features in the carriageway, this sight relaxation in standard is acceptable and unlikely to adversely affect highway safety.

The proposed footways within the curtilage of the development site are shown on the submitted drawing as joining up with the existing one along the highway to the north-east. This is considered essential for the safe movement of pedestrians to/from the site.

SC Trees – No objections following submission of an Arboricultural Impact Assessment, subject to conditions.

SC Drainage – No objection subject to full drainage details being submitted via condition.

SC Public Protection – No objections. Recommend condition in respect of electric charging hook ups for electric vehicles.

SC Affordable Housing - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and on site affordable housing provision. However, the application form noted that the tenure of the affordable housing dwelling was to be shared ownership, whereas our requirement is for an affordable rental property. The change to affordable rented was confirmed via email and therefore the scheme is considered acceptable in this regard.

- Public Comments

Ted Clarke - Bayston Hill Local Member - I'd be grateful if this application could be considered by Committee

My main concerns are :

The quite inappropriate proposed access on to the principle road in/out of Bayston Hill

The likely impact on amenity currently enjoyed by neighbouring properties (particularly Spring Cottage ?).

The size/design of the proposed dwellings is at variance with the identified housing needs of the local community.

The siting of this development is contrary to both the final draft of SAMDEV and to the published local Parish Plan.



Finally and for the record, I support the objections raised separately by Bayston Hill Parish Council.

13 objections and 2 letters of support were received at the time of writing. The objections raised the following:

- Adverse impact on highway safety created by the development due to the access being on a blind bend, increased congestion and the narrowness of the highway which is used by a large amount of traffic from the village.
- Previous applications have been refused on highway grounds.
- Location just above Green Lane exit and traffic calming measure will increase hazardous traffic conditions on this busy road.
- The proposal would have an adverse impact on sunlight to the property opposite the site.
- Drainage would be an issue due to overflow onto Pulley Lane from the site.
- Increase in noise levels from properties.
- The development proposes detached houses and does not address the need for social housing in the community
- Dwellings in the area are bungalows and therefore the proposed development does not fit with the character of the area.
- Issues with sewage overloading due to the increased number of properties on a system already struggling to cope.
- Adverse impact on wildlife utilising the field.
- Adverse impact on the amenity of Spring Cottage adjacent to the site, with a dwelling 15ft from the kitchen window, so it will be facing a brick wall and be blocked of light.

Two letters of support raised the following points:

- The additional properties will not have that much difference on the Pulley Lane traffic wise than the previous buses on this route.
- There is sufficient retained unsurfaced land for percolation of rainwater and a drainage scheme to meet modern standards will be included within the scheme.
- The development will remove existing large unsightly leylandii. This will increase light within the area.
- The land is unused and within the existing built development, close to services and utilising local employment.
- The design of the dwellings are sensitive to the surrounding area and the design and detail will blend well with other properties within Pulley Lane.
- No overlooking is created.
- The development does not detract from the natural environment and offers economic gain and long term use of an unused parcel of land.
- Supports the local housing market
- Unlikely to be lost on appeal which means the taxpayer would end up funding any costs against the Local Authority.
- No objections from the Highways Authority who have confirmed it accords with the relevant legislation.
- Two storey dwellings are present within the surrounding area of the site.

## 5.0 THE MAIN ISSUES

Principle of development  
Sustainable Development  
Design, scale and character  
Highways  
Drainage  
Impact on neighbouring amenities  
Affordable Housing  
Trees  
Ecology  
Other issues

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that *'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.

6.1.2 With regards to housing development paragraph 49 of the NPPF states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development'*.

and that

*'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

6.1.3 Shropshire Council has an adopted Core Strategy and CS4 outlines that housing development that is of a scale that is appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD. The SAMDev DPD is at the Pre-Submission Draft Plan (Final Plan) stage and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
- and
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the*

*policies in the Framework, the greater the weight that may be given).*

The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where some degree of weight can be attached.

- 6.1.4 The site is located immediately adjacent, but outside of the Bayston Hill Village Development Boundary as defined by the Inset Proposals Map which forms part of the SABC Local Plan and saved Policy HS3: Housing in Villages with Development Boundaries. The site has not been included within the Site Allocations and Management of Development (SAMDev) Plan in which Bayston Hill is being proposed as a Community Hub with a housing target of 39-49 dwellings after taking into account existing housing commitments. The SAMDev includes the retention of the development boundary for Bayston Hill as in place under policy HS3 and thus the site remains outside of this boundary.
- 6.1.5 As such allowing this proposal would therefore be contrary to the emerging SAMDev DPD and the Local Member as well as the Parish Council have objected to the scheme on this basis. Indeed it has been raised that the Bayston Hill Parish Plan clearly states that the land in this part of the village should be protected and the SAMDEV supports protection of this gap. Furthermore, the site has not been identified as suitable for development following local consultation. However in the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is a significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date, as referred to above. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Bayston Hill.
- 6.2 Sustainable Development
- 6.2.1 Bayston Hill is a large village with a population of over 5000 situated 3 miles to the south of Shrewsbury Town Centre. The village has a range of services and facilities including a primary and nursery school, a range of shops, two pubs, a library, a doctors surgery, recreation ground, churches and a vets. These are all within close proximity to the site with the main shopping area of Bayston Hill approximately 600 metres away. A regular bus service operates to and from Shrewsbury approximately every 20 minutes during the daytimes. As such it is considered that there is an array of essential services within Bayston Hill and which are walking distance from the site, including access to Shrewsbury via the regular bus service. Bayston Hill is therefore considered to be a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.2.2 Sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it as '*about positive growth – making economic, environmental and social progress for this and future generations*'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the

planning system to perform a number of roles:

- ② *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ② *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ② *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 **Economic role** – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of more houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment and this will provide financial contributions towards infrastructure opportunities.

6.2.4 **Social role** – Bayston Hill is a large village with a range of essential services and facilities. Rural villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding villages. The NPPF positively encourages the siting of housing in rural settlements where it will support facilities in that and other settlements, thereby retaining services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. The provision of an appropriate size and mix of housing stock will help maintain the balance of housing stock within the village resulting in a balanced community.

6.2.5 **Environmental role** – The site is a field with no heritage, cultural or ecological designation. The proposal would have no adverse impact on wildlife and the ecological value of the site will be improved by conditions requiring the provision of bat boxes and artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is accessible on foot, public transport or by a short car journey to the array of services, facilities and employment opportunities on the edge of Shrewsbury (Meole Brace).

6.2.6 On balance, taking into account all material planning considerations it is considered that Bayston Hill is a sustainable location having regard to the three dimensions of sustainable development and it is a village that can accommodate the additional dwellings subject to a satisfactory scale and design appropriate and proportionate to the size and character of the village. Whilst the Parish Council have commented that this development would be detrimental in terms of seeing the allocated housing number of 60 in the SAMDev exceeded, the additional 9 dwellings only represents a portion of the remaining 39-49 houses allocated and is not excessive in this regard. Furthermore, concerns regarding the development threatening the land between Bayston Hill and Shrewsbury and this joining up are not considered to be relevant given that this plot is an infill plot between two existing dwellings and does not extend any further into the open countryside than existing residential curtilage, and can be seen to be within the existing limits of the village and not isolated from it.

### 6.3 Design, scale and character

6.3.1 The proposed development sees the erection of 9 dwellings on the site with 5 detached dwellings towards the rear of the site and two detached and two semi-detached properties further forward and side facing towards the highway and boundary with Spring Cottage. The properties will be of a scale typical of detached and semi-detached dwellings and will include architectural features such as chimneys, exposed rafter feet, bay windows, front gables, headers and cills and corballing. Whilst objectors to the scheme have commented that the dwellings will not be in keeping with the character of the surrounding area, or those on Pulley Lane, it is considered that the mixed character of the area lends itself to a number of interpretations design wise and the proposed dwellings are considered to improve upon the simple design of other modern dwellings in the area, whilst also taking design cues from some older, more decorative properties further up Pulley Lane. Indeed the Parish Council has commented that the designs of the dwellings are attractive. It is not therefore considered that the proposed dwellings, or the associated garages, will be detrimental to the character of the surrounding area and are considered acceptable in accordance with policy CS6.

### 6.4 Highways

6.4.1 A number of objectors have raised the issue of highway safety in respect of the new access, including issues raised by the Local Member and Parish Council. The issues raised refer to busyness of this main route in and out of Bayston Hill, the location of the access on a dangerous bend, opposite another busy access point to Green Lane and adjacent to the existing speed calming measures. Furthermore it was pointed out that the road is very narrow and the visibility is poor thereby creating even further hazardous conditions. However, following consultation with the Highways Officer it is noted that no objections have been raised, with the Highways Officer commenting that the access meets the required design standards and that whilst the visibility splay achievable to the north-east is slightly less than normally preferred due to the position of the highway boundary wall on the neighbouring property, it is considered at this location where traffic from this direction has just travelled over the existing traffic calming features in the carriageway, this sight relaxation in standard is acceptable and unlikely to adversely affect highway safety. The proposed footways within the curtilage of the development are considered to be essential for the safe movement of the

pedestrians utilising the site.

- 6.4.2 Given that no objections have been raised by the Highways Authority on highway safety grounds, the scheme is considered to be acceptable in highways terms subject to the attachment of the relevant recommended conditions.
- 6.4.3 An objector has referred to the removal of an access from the land in applications from 1991 and 1992 but this application is being considered on its individual merits and based on the submitted details, and previous access issues are not considered to be a sole reason for refusal for the scheme where the Highways Authority raises no objection through the formal consultation process.
- 6.5 Drainage
- 6.5.1 It is noted that an objector to the scheme has commented that the development of the site would lead to flooding issues draining from the access onto Pulley Lane. However, full drainage details would need to be submitted including for the access point should this slope onto the adjacent highway and following consultation with the Drainage Engineer it has been confirmed that these details can be conditioned. As such it is considered that the scheme can be drained appropriately in accordance with policy CS18.
- 6.6 Impact on neighbouring amenities
- 6.6.1 Some of the objections to the scheme have commented that there will be a detrimental impact on the amenities of dwellings within the area, with the Local Member raising this issue with regard to the adjacent Spring Cottage.
- 6.6.2 The scheme will be located largely to the north of neighbouring properties and in this respect the impact on the sunlight of adjacent properties will be limited. The nearest property to the north of the site would be Leylands itself, the occupier of which has supported the scheme. In any case the impact on sunlight of this property is not considered to be excessive given the distance of the property from the site boundary.
- 6.6.3 The majority of properties adjacent to the site are over 21 metres from the nearest dwelling on the development, with properties to the front section of the site positioned such that they will be side facing to the nearest properties in any case and therefore with no first floor windows on these elevations. In privacy terms it is not therefore considered that there will be an impact on these dwellings. Plots 8 and 9 are the semi-detached dwellings within the site and have their rear elevations facing towards the boundary to the south west. There is a distance of 18 metres from the rear of these properties to Conway to the south west but currently there is significant boundary hedging between the properties and this is proposed to be retained. In any case, the properties will be a reasonable distance from the neighbouring property and would also be facing the side elevation and garage of a bungalow, thus the overall impact is not considered to be excessive in any case given there will be no facing windows.
- 6.6.4 Spring Cottage is the closest dwelling to the site, and we have received an objection from the occupant of this property with the Local Member also raising concern in regard to their amenity. The property is located approximately 6 metres

at the nearest point from the side of the proposed semi-detached properties to the south east corner. However, this dwelling only has one window on this elevation facing into the site, and this is to the ground floor. The sunlight largely rises and falls without directly facing this window, with the sun only in line with the proposed dwelling and the window when it is setting to the west, at which point it would likely be blocked by existing trees etc due to being so low in the sky. The impact in sunlight terms is therefore considered to be minimal. Given there will only be an en-suite window on the facing side elevation, which will be small and obscure glazed, it is not considered that there is any adverse impact with regard to overlooking.

6.6.5 In terms of the close proximity of the side of the dwelling to the existing property, it is noted that negotiations have taken place between the applicant and the owner of Spring Cottage and identified that the plot of land between the existing and proposed dwellings could be beneficial if it was garden land for Spring Cottage. This would reduce the impact given that Spring Cottage would have a plot of additional space which can be landscaped and effectively provides a barrier for Spring Cottage from the development. However, this can only be given limited weight given that the occupant of the property has objected, and with actual confirmation that this will take place other than it being specified on the submitted plans. Given that the facing elevation has limited windows, with the main elevations for Spring Cottage facing to the north east and south west and not towards the site, it is considered that the overall impact of the development in amenity terms is minimal and on balance the development is considered acceptable in this regard, in accordance with policy CS6.

## 6.7 Affordable Housing

6.7.1 Affordable housing have commented that the submitted proforma is correct in terms of level of contribution but have also noted that the specified tenure of shared ownership for the on-site dwelling is incorrect as the requirement is for an affordable rental property. This has been agreed by the applicant but can be negotiated through the Section 106 legal agreement in any case to ensure the appropriate tenure.

6.7.2 Whilst objectors to the scheme and the Parish Council have commented that the dwellings at the site are inappropriate as they do not address the need for the houses recognised in the area such as properties with less than 3 bedrooms and affordable dwellings, it should be noted that a substantial contribution will be made to the Council which will be utilised for future affordable housing in the area and in addition to this an affordable dwelling will be provided as part of the development as well as a smaller semi-detached property. The provision of larger properties within this part of the village is also considered to be more appropriate given the surrounding properties and development of rows of terraced houses, for example, would have been out of keeping with the form and tenure of the surroundings.

## 6.8 Trees

6.8.1 Following the full arboricultural assessment being submitted to the Council, the Trees Officer has confirmed that he is in agreement with the conclusions and considers the proposed Tree Protection Plan acceptable to mitigate against tree damage. As such the proposed scheme is considered acceptable in this regard.

## 6.9 Ecology

6.9.1 An objector to the scheme has raised concern regarding the impact of the development on wildlife on the field. However, following the submission of an ecological report this has been assessed by the Planning Ecologist and no objections have been received subject to conditions and informatives being attached.

## 6.10 Other issues

6.10.1 One of the objectors to the scheme has commented that there would be an increase in noise from the proposed residential properties, but this is a residential area where such noise would be common and in any case the type of noise associated with dwellings is not considered to be detrimental to the amenities of the area and would be limited in its impact in any case.

6.10.2 Whilst an objector has commented that the sewage system has been blocked and has overflowed and created smell issues within the area, this would be the responsibility of the developer in liaising with the sewerage undertaker to ensure appropriate flow and foul drainage from the site.

6.10.3 Some concern has been raised in regard to waste collection and the potential for wheelie bins to be cluttered on the pavement which is used frequently thus raising safety issues particularly with regard to children who are walking to the secondary schools. However, after discussions with the applicant it was identified that the intention would be for the road to be adopted and the waste collection to be within the hammerhead within the site and adequate turning provided for the waste vehicles to collect. The site plan has been amended to show that this is achievable.

## 7.0 CONCLUSION

Whilst the concerns of the Parish Council and Local Member are acknowledged in respect of the location of the site and it's local designation, the NPPF is clear that where there is a lack of a 5 year land supply local policies relating to housing are considered to be out of date and that the priority is to boost housing supply and to approve sustainable development in appropriate locations. It is considered that the site is within a sustainable location close to a variety of services and amenities and the size of the site is sufficient to accommodate the development. The proposal is not considered to have any adverse impact in terms of ecology, highway safety or neighbouring amenities. The design and scale of the properties is considered to be acceptable, along with the contribution to and allocation of affordable housing. The impact on neighbouring amenities and local highway safety is considered to be minimal, and there is not considered to be an adverse impact in regard to drainage or protected species. As such the proposed development is considered to accord with the relevant Core Strategy policies and the National Planning Policy Framework. 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.



## 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:

NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 CS18 - Sustainable Water Management  
 HS3 - Housing in Villages with Development Boundaries  
 Policy MD1 - Scale and Distribution of Development  
 Policy MD3 - Managing Housing Development

SAMDev Policy - S16.2 Bayston Hill

RELEVANT PLANNING HISTORY:

SA/85/0413 - Land between Spring Cottage and Leylands Pulley Lane Bayston Hill Shrewsbury - Erection of a dwelling and formation of new vehicular and pedestrian Accesses – Application refused. Appeal dismissed.

SA/91/1253 – Leylands Pulley Lane - Change of use of agricultural land to a garden, erection of a garden store and a 6' high boundary wall and construction of a new vehicular access (Part Retrospective) – Application refused.

SA/92/0360 - Leylands Pulley Lane - Change of use of agricultural land to garden land, erection of a garden store and an approximately 1.8m high boundary wall. (Retrospective) – Application permitted.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
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<b>Cabinet Member (Portfolio Holder) - Cllr M. Price</b>
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<b>Local Member(s)</b>
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Cllr Jon Tandy Cllr Ted Clarke Cllr Jane Mackenzie
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<b>Appendices - APPENDIX 1 - Conditions</b>
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

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

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

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

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

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

5. Details of the design and construction of any new roads, footways, accesses together with the disposal of surface water shall be submitted to, and approved in writing by the Local Planning Authority before the development begins. The agreed details shall be fully implemented before the dwellings hereby approved are first occupied.

Reason: To ensure an adequate standard of highway and access for the proposed development.

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

6. The access shall be constructed in accordance with the approved drawing prior to the dwellings hereby approved being first occupied.

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

7. A total of 4 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 nesting opportunities for wild birds

8. A total of 2 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 buildings 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.

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

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

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

10. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the buildings for their permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan site layout plan LL-P-01 Rev. D with Tree Protection Details and the Arboricultural Method Statement forming part of the submitted Arboricultural Report dated 30.1.2013 & 20.2.14 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree

protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: 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.

11. 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."

### **Informatives**

1. 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.  
Informative

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

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

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

3. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). Full details, plan and calculations of the proposed SuDS should be submitted for approval as part of the discharge of condition. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:
- ' Surface water soakaways (Designed in accordance with BRE Digest 365)
  - ' Swales
  - ' Infiltration basins
  - ' Attenuation ponds
  - ' Water Butts
  - ' Rainwater harvesting system
  - ' Permeable surfacing on any new driveway, parking area/ paved area
  - ' Attenuation
  - ' Greywater recycling system
  - ' Green roofs

Details of the use of SuDS should be indicated on a drainage plan.

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 at discharge of condition stage. A catchpit should be provided on the upstream side of the proposed soakaways.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval as part of the discharge of conditions. 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.

4. Confirmation will be required that the design fulfills 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.
5. Consent is required from the service provider to connect to the mains surface and foul water sewers.
6. 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.



Committee and date

Central Planning Committee

3 April 2014

Item

# 14

Public

## Appeals and Appeal Decisions

<b>LPA reference</b>	13/02098/OUT
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr Robin Beddoes
<b>Proposal</b>	Outline application for the erection of four dwellings on former car park.
<b>Location</b>	The Romping Cat Walford Heath Shrewsbury.
<b>Date of application</b>	31.05.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	28.08.2013
<b>Date of appeal</b>	21.01.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	12/02498/OUT
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Morbaine Limited
<b>Proposal</b>	Outline application for the erection of a Class A1 foodstore with associated car parking, servicing facilities and replacement of garage workshop to include means of access.
<b>Location</b>	Land At Hereford Road Shrewsbury.
<b>Date of application</b>	11.06.2012
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Committee
<b>Date of decision</b>	19.08.2013
<b>Date of appeal</b>	17.02.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	13/02527/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	G C Rickards Ltd
<b>Proposal</b>	Erection of two eco-friendly dwellings with access off Kingsland Road and associated landscape and open space improvements.
<b>Location</b>	Land Adj. Pengrove Shrewsbury.
<b>Date of application</b>	27.06.2013
<b>Officer recommendation</b>	Approval
<b>Committee decision (delegated)</b>	Committee
<b>Date of decision</b>	15.10.2013
<b>Date of appeal</b>	11.12.2013
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	04.03.14
<b>Date of appeal decision</b>	18.03.14
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>
<b>Details</b>	





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# Appeal Decision

Site visit made on 4 March 2014

**by Susan Holland MA DipTP MRTPI DipPollCon**

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

**Decision date: 18 March 2014**

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**Appeal Ref: APP/L3245/A/13/2210349**

**Land south of Kingsland Road, adj Pengrove, Shrewsbury SY3 7LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Rickards against the decision of Shropshire Council.
  - The application Ref 13/02527/FUL, dated 26 June 2013, was refused by notice dated 10 October 2013.
  - The development proposed is the erection of 2no eco-friendly dwellings with access off Kingsland Road and associated landscape and open space improvements.
- 

## Procedural Matters

1. The Planning Practice Guidance was issued on 6 March 2014. However, the Guidance has no bearing on this decision.
2. Submitted drawing No.2012.00937.08 (P-08) in respect of House 1 Elevation (sheet 2) is wrongly annotated as 'South Elevation' and 'North Elevation'. In accordance with the corresponding elevations for House No.2 Sheet 2 at drawing No. P-14, these should refer to 'East Elevation' and 'West Elevation' respectively. The Appellant's Agent has confirmed on 17 March 2014, that this is so. (It should be noted that drawing No.P-07 in respect of House No.1 Elevation (sheet 1) correctly shows the south and north elevations for House No.1).

## Decision

3. The appeal is allowed and planning permission is granted for the erection of 2no eco-friendly dwellings with access off Kingsland Road and associated landscape and open space improvements on land south of Kingsland Road, adj Pengrove, Shrewsbury SY3 7LD in accordance with the terms of the application, Ref13/02527/FUL, dated 26 June 2013, and the plans submitted with it, subject to Conditions Nos.1-18 set out in the Annex to this decision.

## Main Issue

4. The main issue is whether the whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area.

## Reasons

5. The current statutory development plan does not, in principle, exclude residential development on the appeal site. Policy LNC4 of the Shrewsbury & Atcham Borough Local Plan, under which the site was previously classified as a protected green space, was not saved following the adoption of the Shropshire Core Strategy. Under Policy CS17 'Environmental Networks' which now applies, any

development on the site should *protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and [should] not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors; and should not have a significant adverse impact on Shropshire's environmental assets and [should] not create barriers or sever links between dependent sites.*

6. The National Planning Policy Framework (the Framework) states at paragraph (¶)58 that *planning policies and decisions should aim to ensure that developments ... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping.* At ¶63 the Framework states that *great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.* At ¶138 the Framework states that *not all elements of a ... Conservation Area will necessarily contribute to its significance.*
7. The appeal site, descending steeply northward from its frontage on Kingsland Road towards the River Severn, occupies a series of terrace levels on the outer bank of a river bend. The site is open, and largely cleared of vegetation except on its tree-lined boundaries. Westwards, the complex slope simplifies, changing direction, becoming shallower, and blending into the wide green valley of the Rad Brook which flows through the Burrs Field Countryside Site to enter the main river. Eastwards, the stepped landform continues into Pengrove, where gardens and modern terraced houses occupy the broad lower level, and the slope up to Kingsland Road becomes foreshortened.
8. In this part of the extensive Shrewsbury Conservation Area, as in others, open riverside land frames architecturally distinctive areas of the historic town. The distinctive area partly encircled by the green valley of the Rad Brook, and further framed, upstream, by the Severn itself, is Kingsland which lies within the Conservation Area and includes fine villas, and also the buildings and grounds of Shrewsbury School. Pengrove, together with other closely-built and relatively recent development centred upon Longden Road and Belle Vue, lies outside the Conservation Area. However, the appeal site itself lies within the Conservation Area. Visually, the site has 'a foot in both camps': though it is seen most fully, from the opposite bank of the River Severn, against the modern residential background of Pengrove and Belle Vue.
9. The appeal proposal is to construct 2 large, 4-storey, detached houses on the site. These would be set side by side with adjoining accesses from Kingsland Road. The elevations to Kingsland Road would be low, appearing as a single storey with subdued, flat roofs. The built form of each house would be adapted to the topography, in a series of levels which would concentrate the bulk of the development against the steepest part of the slope. The design would place visual focus upon the riverside frontage, where the elevations would be more prominent in terms of height and width. Even here, however, the elevations would appear as 3-storey elements, and so would be reasonably consistent and compatible with the existing terraced houses in Pengrove, though of markedly more individual and innovative design.
10. The width of the new buildings, their flat, projecting rooflines, and the elevational treatment of brickwork, cladding and glazing responsive to changes in level,

would together contribute horizontal emphasis. This emphasis would echo, though on an increased scale and in a contemporary design, the strongly horizontal features of continuous windows and cladding seen in the riverside elevation of the adjacent Pengrove housing development. Emphasis on the horizontal in the new development would, however, be tempered through the position - and occasional superimposition - of long, fully-glazed windows. The proposed brickwork would represent a common element and further visual link with the existing adjacent buildings. The sandstone cladding at the base would contribute visual strength in the setting of the sloping terraced landform.

11. The development would be kept within the outer visual 'frame' described by the houses in Pengrove and on Kingsland Road/Luciefelde Road, and would not intrude either physically or visually upon the adjacent valley of the Rad Brook. The surrounding area includes visually distinct elements both inside the Conservation Area (the appeal site, and the Brewery residential conversion) and outside it (Pengrove, and the stretch of Kingsland Road opposite the site entrance as far as Luciefelde Road). Each of these would continue to be independently visible following the proposed development. The uppermost roof level of the new dwellings would not intrude into the view of houses on Kingsland Road as seen from the public path on the north bank of the Severn.
12. Except that it is currently open, the site is visually separate and distinct from the neighbouring open land. A belt of trees divides the appeal site from Burrs Field, which is clearly managed separately (its sign displaying the name of Shrewsbury Town Council) and has public access. The configuration of the slopes also differs between Burrs Field and the site, the latter more clearly associated with, and directly facing, the River Severn. Burrs Field lies within the shallow valley of the Rad Brook, which continues upstream and describes a broad curve separating the area of Kingsland (within the Conservation Area) from Belle Vue (outside it). The appeal site, though a contiguous open area, is not essential to the integrity of the valley: either as a landform, or as a public open space, or as a direct setting against which buildings of the Conservation Area are visible.
13. Drawing these factors together, the proposed houses would make a well-designed contemporary contribution to the built forms in the immediate surroundings, acknowledging that much of the immediate background to the site includes built forms of lesser architectural merit. In their scale and setting, the proposed houses would form a *modern reflection* of the Kingsland Villas within the Conservation Area to the west and south-west and to that extent would introduce a degree of linkage between the branches of the Conservation Area on either side of the site - that is, between the Brewery and its associated riverside buildings, and Kingsland.
14. In occupying a site which is currently open, the proposal would clearly reduce the overall extent of open space included within this part of the Conservation Area. Unlike the adjoining valley of the Rad Brook, however, this particular element of open space does not directly frame any historic or architecturally distinct part of the Conservation Area, and the character and appearance of the Conservation area are not dependent upon the retention of the site as open space in its entirety. In conclusion, therefore, the appeal proposal would at least preserve the essential features and thus the character and appearance of this part of the Conservation Area; would in some respects ultimately enhance its character and appearance; and would meet the relevant requirements of statutory development plan policy, and of the National Planning Policy Framework.

## **Other Matters**

### *Public Footpath*

15. The proposed shift in the position of the existing public footpath along the riverside would enable a wider and potentially more effective wildlife corridor to be provided over this limited stretch of river frontage, without depriving the public of riverside views to be gained from the right of way. Other parts of the footpath would continue to provide more immediate proximity to the river bank. Disruption to the existing path in the course of construction would be temporary. The proposal would therefore maintain the essential green infrastructure, which in this location relates primarily to the riverside and river bank. To the west, the width of the corridor is in any case already considerably reduced, except for the immediate river bank, by the intervention of the Brewery complex. Accordingly, the proposal meets the requirements of Policy CS17 for environmental networks.

### *Flooding*

16. The appeal site is partially located in Flood Zone 3 (based on the Environment Agency's 'indicative' flood map of the River Severn, which is designated as 'Main River'). Flood Zone 3 comprises land assessed as having a 1 in 100 year or greater annual probability of river flooding (>1%). However, the submitted Flood Risk Assessment has demonstrated that the development has safe pedestrian and vehicular access and that finished floor levels for the 'major' accommodation would be set at a level of 56.3m AOD, which is adequately above the 100 year plus climate change river flood level. On the basis that the proposed basement areas would not form part of the habitable accommodation and would be tanked to protect the area during extreme flood events, the Environment Agency stipulates that a condition be imposed to secure habitable finished floor levels at a minimum of 53.4m AOD.

### *Previous Appeal*

17. Appeal Ref.2104639, in respect of 5 proposed 5-bedroomed houses on the site of the current appeal, was dismissed on 7 December 2009. The policy context at the time of that decision included Policy LNC4 *Green Spaces* of the Shrewsbury & Atcham Borough Local Plan, and national policy contained in PPG15 *Planning and the Historic Environment*. Both had the effect of attributing great weight to the nature of the appeal site as a green and open space. Neither of these policies prevails in the current appeal. The current appeal is to be determined in the policy context of the Shropshire Core Strategy and the National Planning Policy Framework, placing increased emphasis upon achieving sustainable development and particularly residential development. The current proposal reduces the number of dwellings proposed, and pays more attention to the quality of design of the dwellings, and to the role of the site in contributing to environmental networks and to nature conservation in particular. These factors constitute significant differences between the previous appeal and the current proposal.

## **Conditions**

18. In addition to the standard time condition, it is necessary for further conditions to be imposed. Condition No.2 specifies the plans to be followed, for the avoidance of doubt. In the interests of visual amenity, Conditions Nos.6, 7 and 8 should be imposed to control the treatment of trees, the use of materials, and the achievement of landscaping on the site. Condition No.3 is necessary to deal with any contamination which may be found, given the proximity of the site to the

former Burrs Lead Works. Condition 4 is necessary to achieve a satisfactory access to the development; and Condition No.5 is necessary in the interests of amenity and highway safety in the course of construction. Condition No.9 is necessary to provide satisfactory drainage. Conditions Nos. 10 and 11 are necessary in the interests of flood resilience and are imposed at the requirement of the Environment Agency. Conditions Nos.12-17 are necessary in the interests of nature conservation. Condition No.18 is necessary in the interests of the architectural integrity of the development; of the amenity of adjacent residential occupiers; and also to reduce flood risk and prevent related contamination.

### **Section 106 Unilateral Undertaking**

19. The appeal is accompanied by a signed, completed S106 undertaking which secures an affordable housing contribution to the Council, and also the provision of a Wildlife Habitat Scheme and measures relating to the future management of the proposed Wildlife Habitat Area.

### **Overall Conclusion**

20. In these circumstances the overall conclusion, in the light of the main issue and all other material considerations, is that the appeal should be allowed, subject to the 18 conditions set out in the Annex to this decision.

*S Holland*

INSPECTOR

## **ANNEX: CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Refs. 2012.00937.01-00937.18 inclusive.

### *Contamination*

- 3) (a) No development shall take place until a Site Investigation Report to assess the nature and extent of any contamination on site has been undertaken by a competent person, and has been submitted to and approved in writing by the Local Planning Authority. The Site Investigation Report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.
- (b) In the event that the Site Investigation Report finds the site to be contaminated a further Report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- (c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- (d) In the event that further contamination, not previously identified, is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of (a) above. Where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of (b) above and shall be submitted to the Local Planning Authority for its approval.
- (e) Following the completion of measures identified in the approved remediation scheme a Verification Report shall be prepared, demonstrating that the contamination identified has been made safe, and that the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. The Verification Report shall be submitted in writing to the Local Planning Authority for its approval.

### *Access*

- 4) No development shall take place until details of the design and construction of the new driveway and access together with details of the disposal of surface water have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before any of the buildings are occupied.

### *Construction Work*

- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) Storage of plant and materials used in the construction of the development;
  - (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) Wheel washing facilities;
  - (f) Measures to control the emission of dust and dirt during construction;
  - (g) A scheme for recycling/disposing of waste resulting from construction and/or demolition works.

### *Trees*

- 6) No ground clearance or construction work shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that there will be no damage to any existing trees or hedgerows within the site. The submitted scheme shall include the provision of chestnut paling or similar form of protective fencing to BS5837: 1991 standard, at least 1.25m high and securely mounted on timber posts driven into the ground, has been erected around each tree, tree group or hedge to be preserved on site or on immediately adjoining land. The fencing shall be located at least 1m beyond the line described by the furthest extent of the canopy of each tree, tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works.

### *Materials*

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

### *Landscaping*

- 8) No development shall take place until full details of landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure and boundary treatment; and soft landscape works which shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation timetables.

### *Drainage*

- 9) No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed and thereafter retained for the lifetime of the development.

*Flood resilience*

- 10) Floor levels shall be set at a minimum of 53.40m AOD which is 600mm above the 1 in 100 year plus climate change level.
- 11) There shall be no new buildings, structures, (including gates, walls and fences) or raised ground levels on land below 52.80m AOD as shown on drawing No.P2 (Project No. 2010.01025.000) as indicated in the Flood Risk Assessment dated June 2011.

*Nature Conservation*

- 12) The works on the site to which this consent applies shall be undertaken in line with the Star Ecology letter dated 2 May 2012 entitled Habitat Creation and recommendations of the Extended Phase 1 Habitat Survey by Star Ecology (2011).
- 13) Prior to the first use of the development hereby approved a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.
- 14) A total of 6 bat boxes, Schwegler bat boxes (or direct woodcrete equivalent) as set out in the Star Ecology letter dated 2 May 2012 entitled Habitat Creation shall be erected on the site prior to first use of the buildings hereby permitted, in a location agreed with the Local Planning Authority, and shall be retained for the lifetime of the development.
- 15) A 10m buffer shall be put in place to protect the watercourse during construction works. This buffer zone should be fenced or taped off prior to the commencement of works on the site and no access, material storage or ground disturbance should occur within the buffer zone.
- 16) A total of 10 artificial nests for small birds, such as Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations to be agreed with the Local Planning Authority, prior to first occupation of the buildings hereby permitted and thereafter retained for the lifetime of the development.
- 17) A habitat management plan shall be submitted to and approved in writing by the Local Planning Authority 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) 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 the implementation of the plan;
- (h) monitoring and remedial/contingency 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.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or an order revoking or re-enacting that order with or without modification) the following development shall not be undertaken without express planning permission having first been obtained from the Local Planning Authority:
- (i) extension to the dwelling;
  - (ii) free-standing building within the curtilage of the dwelling;
  - (iii) addition or alteration to the roof;
  - (iv) erection of a porch;
  - (v) hard surfacing;
  - (vi) container for the storage of oil;
  - (vii) fences, gates or walls;
  - (viii) any windows.

(Conditions 1-18).

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