



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

Date: Tuesday, 20 May 2014

Committee:
Central Planning Committee

Date: Thursday, 29 May 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

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

Substitute Members of the Committee

Peter Adams
Tim Barker
Roger Evans
John Overall
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

AGENDA

1 Election of Chairman

To elect a Chairman for the ensuing municipal year.

2 Apologies for absence

To receive apologies for absence.

3 Appointment of Vice-Chairman

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

4 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 1st May 2014.

Contact Linda Jeavons on 01743 252738.

5 Public Question Time

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

6 Disclosable Pecuniary Interests

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

7 Poultry Broiler Units, Great Ness, Montford Bridge, Shrewsbury, Shropshire (13/04305/EIA) (Pages 11 - 48)

Erection of three poultry rearing buildings, eight feed bins and associated works.

8 Land Opposite Ellesmere Drive, Ellesmere Road, Shrewsbury, Shropshire (13/05124/FUL) (Pages 49 - 74)

Mixed residential development of 75 dwellings (including 8 affordable units), formation of vehicular access; provision of open space and associated landscape and infrastructure improvements.

9 Development Land Adjacent Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, Shropshire (14/00518/OUT) (Pages 75 - 92)

Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure.

10 Proposed Dwelling Adjacent Lower Wigmore Farm, Wigmore Lane, Wattlesborough Heath, Shrewsbury (14/00629/OUT) (Pages 93 - 104)

Outline application for the erection of a single detached dwelling to include access.

11 The Anchor Inn, Gloucester Road, Shrewsbury, Shropshire, SY1 3PR (14/00899/FUL) (Pages 105 - 124)

Erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house.

12 Land Adjacent Ingleby Way, Shrewsbury, Shropshire (14/01014/FUL) (Pages 125 - 142)

Erection of 27 no. dwellings including 5 no. affordable homes with associated roads, parking and new rights of way.

13 Land East Of Holgate Drive, Shrewsbury, Shropshire (14/01147/FUL) (Pages 143 - 158)

Residential Development (25 Dwellings) and Open Space, with associated Highways and Drainage Infrastructure and other Accommodation Works

14 Schedule of Appeals and Appeal Decisions (Pages 159 - 182)

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 26 June 2014.

This page is intentionally left blank



Committee and Date

Central Planning Committee

29th May 2014

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 1 May 2014

2.00 - 4.35 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 252719

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Tudor Bebb, Dean Carroll, Miles Kenny, Pamela Moseley, Peter Nutting, Kevin Pardy and David Roberts

163 Apologies for absence

An apology for absence was received from Councillor Mrs J MacKenzie.

164 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 3rd April 2014 be approved as a correct record and signed by the Chairman.

165 Public Question Time

There were no public questions, statements or petitions received.

166 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 and P Nutting 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 14/00328/EIA, Councillor D Roberts stated that he knew the applicant and, for reasons of bias, he would leave the room during consideration of this item and not vote.

167 Land Opposite Ellesmere Drive, Ellesmere Road, Shrewsbury (13/05124/FUL)

The Chairman explained that the applicant had requested that the application be deferred.

RESOLVED:

That the application be deferred to a future meeting as requested by the applicant.

168 Land Adjacent Field House, Shepherds Lane, Shrewsbury, SY3 8BT (14/01105/FUL)

The Technical Specialist Planning Officer introduced the application and explained that the Parish Council had objected to the application as the site was outside the development boundary being promoted in SAMDev. In relation to objections raised regarding the proximity of plot 9 to Field House, she drew Members attention to an amended plan and additional comments on the Schedule of Additional Letters from the Agent, which agreed to move Plot 9 further away from Field House. It was further explained that the proposal was considered to be sustainable and at this point in time a five year land supply could not be demonstrated. The Technical Specialist Planning Officer confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from a local resident and the Agent.

Mr G Wallach, on behalf of local residents, 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 application was not supported in Bicton;
- The application was contrary to SAMDev;
- Shepherds Lane was a narrow road with no street lighting;
- The access was near an accident black-spot;
- Refuse vehicles and other large vehicles would cause nuisance to neighbouring properties;
- The application was ribbon development; and
- The sewage system was already overloaded.

Councillor J 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:

- Although he considered this was the right area for the type of development proposed, the density of the site was too high and should be reduced from 6 to 4 dwellings;

- The proposal would surround Field House on 2 sides, which was unacceptable and would be overbearing; and
- The access was too narrow and should be widened.

Mr N Thorns, the agent, spoke in support of the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The site was located in a sustainable location and had a pub, shop and a regular bus route;
- There was a primary school within 900 metres of the site;
- The proposal rounded off the settlement and met the three sustainability tests in line with the NPPF;
- The low density scheme reflected the village setting;
- The access had been agreed by Highway Officers and was wider than Holyhead Road;
- There were no drainage issues and the puddle on site was due to impacted hardcore;
- The scheme had been designed to avoid any overlooking to Field House; and
- There had been discussion on site yesterday to move plot 9 further away from Field House.

In response to questions from Members, the Technical Specialist Planning Officer noted that existing drainage issues had been raised by local residents, but assured Members that the proposed conditions would resolve any issues.

Responding to questions regarding the density issues and the affordable housing contribution, the Technical Specialist Planning Officer explained that the scheme was of a low density and as the proposal was for just 6 dwellings, in accordance with the Council's adopted policy in relation to affordable housing it did not amount to a whole house on site.

Members questioned why the access road would not be built to an adoptable standard. The Technical Specialist Planning Officer explained that there was no requirement for the road to be built to this standard but it could be brought up to an adoptable standard in the future. In response to this issue, the Agent confirmed that the road would be built to an adoptable standard.

In light of other developments in Shrewsbury it was suggested that there should be a condition to state that no work take place until the access road was finished to an acceptable standard to avoid construction vehicles leaving mud onto the road. The Technical Specialist Planning Officer explained that it was usual in large schemes for the developer to submit a Construction Traffic Management Plan, which had not been requested for this proposal but could be added as a condition to any permission granted.

RESOLVED:

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

- A Section 106 Legal Agreement to secure the relevant affordable housing contribution;
- To the conditions as set out in Appendix 1 to the report; and
- The additional requirement of Construction Traffic Management Plan.

169 **Bank House Poultry, Yockleton, Shropshire (14/00328/EIA)**

Councillor D Roberts, local Ward Member left the room during consideration of this item in accordance with his declaration in Minute 166 above.

The Technical Specialist Planning Officer introduced the application and explained that the proposals comprised Schedule 1 EIA development and therefore a Committee decision was mandatory under the Council's Scheme of Delegation. The Parish Council supported the proposal and there had been no objections from statutory consultees. He confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, elevations, proposed access and landscaping scheme.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from the Environment Agency.

Members considered the submitted plans for the proposal and unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

170 **Development Land West Of Bryn Road, The Mount, Shrewsbury, Shropshire (14/00743/OUT)**

The Principal Planning Officer introduced the application and explained that this was an outline application for residential development. The site was located in an area of open countryside outside the Shrewsbury urban area. He further explained that the proposal was considered to be sustainable and at this point in time a five year land supply could not be demonstrated. He confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from the Principal Planning Officer in response to objections to the validity of the procedure and from the Mount Resident's Group requesting that the site be considered as a Local Green Space.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the Council Meeting held on 27th February 2014, Councillor P Nutting, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. He questioned the validity of procedure as raised in the Schedule of Additional Letters and suggested that the application should be deferred to the next meeting to allow time for any objections to be received in relation to the advertisement of the departure and for the Local Green Space request to be considered. He raised concern in relation to the reservations of the Conservation Officer and questioned why an outline application had been submitted in a Conservation Area.

The Principal Planning Officer responded to the issues raised by Councillor P Nutting. He explained that the application had been advertised as a Major in a Conservation Area in the Shropshire Star on 4th March 2014 for a 21 day period expiring on the 25th March 2014 in addition to a Site Notice displayed on and expiring on the same day and therefore the additional advertisement was to publicise the application as a Departure from the Development Plan and would be determined under delegated powers if no new material considerations were raised. In relation to the Local Green Space issue, the Principal Planning Officer advised that this type of request should be submitted as part of the SAMDev consultation and could not be considered at this stage of the process. He added that the Conservation Officer had mentioned a number of concerns but noted that careful design would mitigate any harm and clarified that outline applications could be submitted for a Conservation Area but the applicant might be requested to provide further information. For this application the applicant had submitted an indicative plan and therefore no further information was required.

Ms K Anderson, on behalf of local residents, CPRE and the Ramblers 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 request for the area to be Local Green Space was supported by 200+ people;
- The site was outside the development boundary and in a conservation area;
- The area was valuable open space leading to the river;
- Development should only be permitted in a Conservation Area if there was no loss of open space or views of the area;
- The landscape was intrinsic to the area and should not be flattened as proposed by the applicant; and
- The area should be preserved and enhanced in line with the Conservation Areas Act.

Ms H Ball, on behalf of Shrewsbury Town Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The site was not a sustainable site, if it was it would have been included in SAMDev;

- Green space such as this green corridor of the River Severn should be protected;
- Local residents of the Mount were not in support of the application;
- The Government was clear on the protection of such sites and the need to safeguard countryside to preserve the settings of towns;
- Shrewsbury took pride in the fact that there was agriculture right on the doorstep of the town; and
- The impact of development on this site would compromise the area for future generations.

At this point in the meeting Councillor M Kenny stated that he was a member of the Planning Committee of Shrewsbury Town Council when this application was discussed. He indicated that his views on the proposal when considered by the Town Council had been based on the information presented at that time and he would now be considering the proposal afresh with an open mind and the information as it stood at this time.

Mr A Sheldon, 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 area was outside the development boundary but it was not classed as green belt land;
- The location was sustainable in line with the NPPF;
- The area was privately owned and had no public access;
- The application would constitute infill development;
- The trees and hedges would be protected;
- The view through the site and the topography of the site would be retained; and
- This application was in outline only and a reserved matters application would be submitted for later approval.

In the ensuing debate, Members expressed concern in relation to the loss of open green space and the vital link between this and the town stating that the adverse impacts outweighed the benefits of the proposal. It was added that the comments of the Conservation Officer were not conclusive and the site had not been allocated or mentioned in SAMDev. Members also noted that the full ecology report had not been available for Members to view and that an application for a Village Green could be made at any time.

In response, the Principal Planning Officer apologised for the full ecology report not being available but noted that the comments of the Ecology Officer had been published on the website and explained the difference between a Village Green application and the request received for the area to be considered as Local Green Space.

The solicitor advised that the application was in outline at this stage and suggested that if Members were not satisfied that they had enough information to determine

the application then they should defer the application for further information on the matters raised.

Having considered the submitted plans for the proposal the majority of Members expressed their objection to the proposal and considered that the development was contrary to Shropshire Core Strategy development plan policies CS6 and CS17.

The Area Planning and Building Control Manager sought clarification from Members as to which parts of Policy CS17 they considered the proposal to conflict with.

RESOLVED:

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

- The LPA consider that the proposed development would fail to protect and enhance the high quality and local character of Shropshire's natural, built and historic environment, and would adversely affect the visual, ecological, heritage and recreational values and functions of these assets, their immediate surroundings and their connecting corridors. Accordingly the proposal is considered contrary to Shropshire Core Strategy development plan policies CS6 and CS17. As such the adverse impacts of granting permission are considered to significantly and demonstrably outweigh any benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.

Councillor D Roberts rejoined the meeting during discussion of this item but did not take part in the debate or vote on the application.

171 Land to rear 110-112 London Road, Shrewsbury, SY2 6PP (13/02781/FUL)

The Area Planning and Building Control Manager introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and had assessed the impact of the proposal on the surrounding area. He detailed the planning history to the application noting that the appeal decision to a previous refusal had been appended to the committee report. With reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He also highlighted the changes to the current scheme compared to the previous application, which was dismissed on appeal.

A number of additional letters had been received in objection to the application. The Area Planning and Building Control Manager read these out to the Committee. The objections included the following issues:

- The narrow access was unsafe and inadequate;
- The increased traffic would create noise and vibration;
- The proposal was out of character and would result in loss of privacy for residents and cause harm to wildlife;

- The application did not address the issues raised in the previously refused application;
- That the fence to the neighbouring property should be retained; and
- The parking space for No. 112 London Road should be conditioned for the occupiers only and not commercial vehicles.

The Area Planning and Building Control Manager reported that the application had been subject to a significant amount of objection. He added that the previous issues raised by the inspector had been largely overcome with the amendments to the revised scheme and explained that the inspector had awarded costs against the Council in relation to the refusal reason of highway safety despite dismissing the appeal.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the Council Meeting held on 27th February 2014, Councillor T Clarke, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. He stated that he considered the access to the site to be inadequate and still had concerns in relation to this issue.

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

- Local residents had raised significant concerns in relation to the proposal;
- The previous refusal was the correct decision as appeal was dismissed;
- The proposal was an unacceptable form of development and did not protect and enhance the natural environment;
- The application was not appropriate in scale and constituted back-land development;
- The proposal was in close proximity to a number of trees which might be removed in future; and
- The proposal was contrary to Policy CS6 and the NPPF.

Ms H Ball, on behalf of Shrewsbury Town Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The application had caused significant local concern;
- The proposal constituted back-land development;
- The lack of pedestrian access was unacceptable;
- It would be detrimental to the green character of the area;
- Although there was no right to a view there was a right to privacy;
- The proposal was in close proximity to a number of trees; and
- The proposal was contrary to Policy CS6.

Councillor J Tandy, local Ward Member, 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 application was still unacceptable despite the amendments to the scheme;
- Utilizing residential gardens was an inappropriate form of development;
- Over 73 objections to the development had been received; and
- The access would be difficult for emergency and commercial vehicles to enter.

In response to a question from a Member, the Area Planning and Building Control Manager stated that the concerns of the access had not been overcome completely but the removal of one dwelling had addressed most issues and a condition in relation to the proposed material of the driveway to reduce disturbance to neighbouring properties had been included.

In the ensuing debate, Members expressed the view that although they had concerns regarding the access and the loss of amenity/privacy for local residents they accepted that the amended scheme had addressed a number of previous concerns and considered that there would be no defensible reason for refusal.

RESOLVED:

That The Area Planning Manager be given delegated authority to grant planning permission, subject to:

- A Section 106 Legal Agreement to secure an affordable housing contribution;
- Additional conditions in relation to construction hours and restricting the displaced car parking space for occupiers; and
- The conditions as set out in Appendix 1 to the report.

172 Appeals and Appeal Decisions

Members considered the Schedule of Appeals and Appeal Decisions for the Central area as at 1st May 2014.

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 1st May 2014 be noted.

173 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 29th May 2014 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date
 Central Planning Committee
 29 May 2014

Item
7
 Public

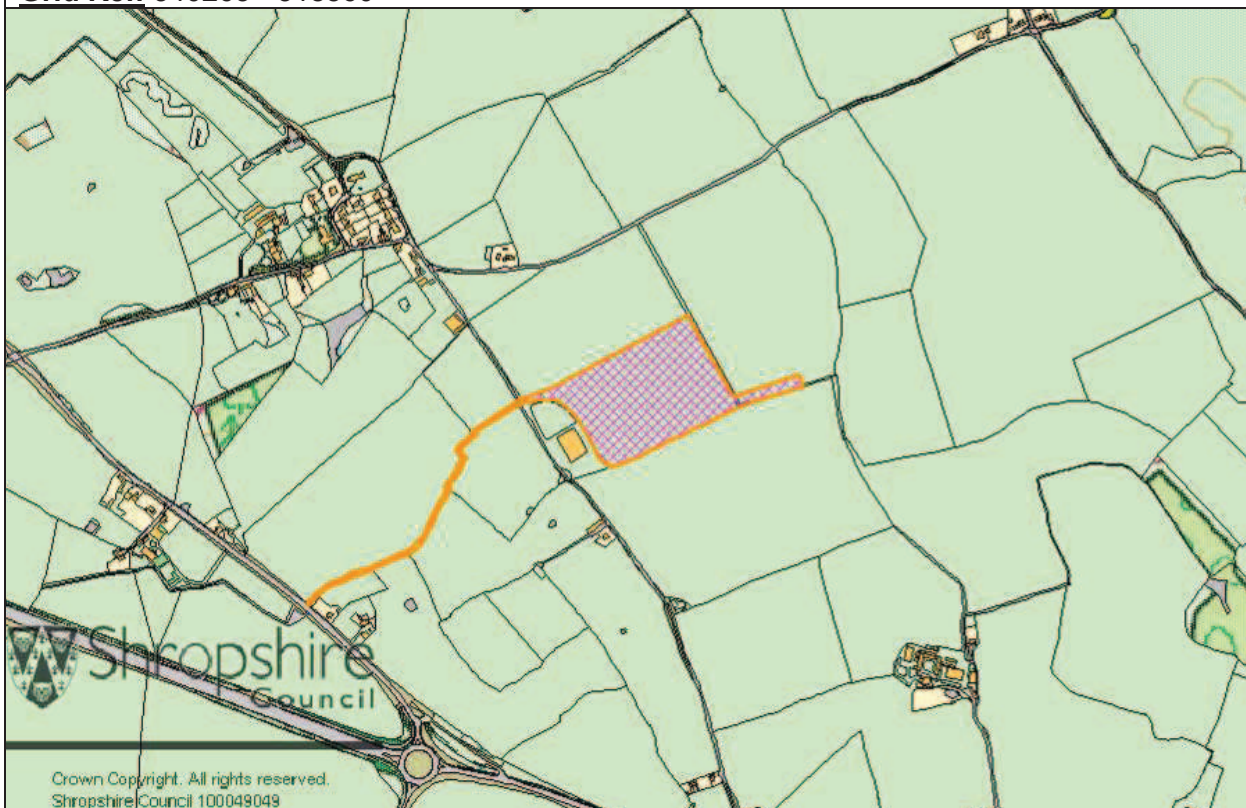
Development Management Report

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

Summary of Application

Application Number: 13/04305/EIA	Parish:	Great Ness
Proposal: Erection of three poultry rearing buildings, eight feed bins and associated works		
Site Address: Poultry Broiler Units Great Ness Montford Bridge Shrewsbury Shropshire		
Applicant: Great Ness Poultry Ltd		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 340263 - 318560



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to the variation of the Section 106 legal agreement (in line with the submitted draft) to include the following matters: to secure the routing of traffic associated with the development via the access road between Rodefern Lane and the old A5; to provide for the regular review of the use of the approved route.

REPORT

1.0 THE PROPOSAL

- 1.1 The existing poultry unit development located to the southeast of Great Ness comprises four poultry buildings together with associated feed bins and equipment. The current planning application seeks permission for the extension of the existing development, providing an additional three poultry houses, with eight feed bins and associated infrastructure.
- 1.2 Two sheds would be located to the east of the existing site, and would measure 98 metres long and 25 metres wide, connected by two small control rooms. One shed would be located to the west of the existing sheds, and would measure 92 metres long and 25 metres wide, with attached small office, control room and gallery. These two sheds would be constructed at a lower level than the existing sheds. All three sheds would have a fan canopy and baffle area to the south extending from the rear by 4.85 metres. The sheds and attached fan canopy area would be 2.64 metres to eaves and 4.84 metres to ridge.
- 1.3 The proposed sheds would be constructed of metal portal frame and roof and side wall cladding, with a solid concrete floor. Their external colour would be juniper green, to match the adjacent sheds.
- 1.4 There would be eight feed bins. These would be of cylindrical design with conical top and bottom. Four would be positioned between the two new sheds (but at a lower level than the existing feed silos) and three would be positioned at the western side of the development. Each would measure 9.2 metres high and 3.5 metres diameter. A further feed bin would be located to the north of the existing sheds, and would measure 7.4 metres high and 2.6 metres diameter. The bins would be coloured juniper green to match existing. The existing hard-standing and turning area would be extended.
- 1.5 The surface water drainage arrangements for the existing site incorporates a swale at the eastern side of the development. This would be relocated to the east of the extended site, within an adjacent field.
- 1.6 Cropping cycle
Preparation for the crop cycle would include the delivery of fuel and bedding litter and feed to the site, followed by the delivery of chicks from the hatchery. Thinning of the birds would take place at around five weeks, over a period of two days. The remainder would be collected at around six weeks, again over a two day period. At the end of the growing period the used litter would be removed for use on agricultural land. Wash down and disinfection would then take place in preparation for the next crop. Wash water would be collected in underground tanks before being spread to agricultural land.

1.7 It is proposed that the chickens reared in the new poultry houses would be grown on the same cropping cycle as the existing site which typically extends to a fifty day cycle.

1.8 Landscaping

The proposed landscaping comprises an extension of the existing permitted scheme. This would involve extending the existing ground contouring at the northern side of the site along the length of the extended site. This would be planting with the same species mix. Planting would be continued around the eastern and southern sides of the site, and in total would involve the provision of 1165 trees. Young trees that have been planted to the east of the existing sheds would be replanted to the east of the extended site.

1.9 Environmental Impact Assessment: The proposed development is of a type listed in Schedule 1 of the Environmental Impact Regulations and as such the planning application is accompanied by an Environmental Statement.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located approximately 450 metres to the south-east of the village of Great Ness. Surrounding land is in agricultural use. The application site covers an area of approximately 4 hectares. Access to the site is gained from the old A5 public highway via a dedicated access track, approximately 600 metres in length, which was constructed as part of the development of the original four poultry houses.

2.2 The nearest residential property is Rodeferns Farm, approximately 110 metres to the south. Other residential properties in the vicinity of the site include Oakfield (approximately 270 metres to the north) and properties in Great Ness approximately 430 metres to the northwest.

2.3 A public footpath crosses the application site, running in a northwest – southeast orientation between the proposed new buildings and the proposed new swale. Other public footpaths in the area are located approximately 190 metres to the south and approximately 230 metres to the northwest. The village of Great Ness is a Conservation Area and includes a number of Listed Buildings.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposals comprise Schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Great Ness Parish Council** Objects on the grounds of increased traffic on the roads and visual and environment impact.

- 4.1.2 **Montford Parish Council (adjacent Parish)** No comment. The site is just outside Montford Parish and since the Montford parishioners who live very near the site on Rodefern Lane have not yet contacted the Parish Council it is felt appropriate to make no comment.
- 4.1.3 **Baschurch Parish Council (nearby Parish – 1.8km away)** Objects to the application as an adjoining Parish and support Great Ness and Little Ness Parish Council in their objections on the grounds of over development of the site, the visual and environmental impact and increase in traffic on surrounding rural roads.
- 4.1.4 **Ruyton XI Towns Parish Council (nearby Parish – 2km away)** The Parish Council wish to make no comment as the application is outside the parish and does not directly affect the parish.
- 4.1.5 **Environment Agency** No objections. The Agency has given detailed consideration to the proposals. The Agency originally raised an objection on the grounds that the Environmental Statement was not considered sufficiently robust and that there were a number of uncertainties with respect to the proposals.

The Agency has provided updated comments as follows.

The Agency issued an Environmental Permit (EP) variation on 22 May 2013 to increase the number of bird places on site to 350,000. This EP variation includes conditions in relation to the management of amenity issues such as odour and noise. Our Regulatory teams will continue to manage this site and associated processes to minimise amenity issues wherever possible. As a permit variation has been issued and conditions imposed in relation to processes likely to generate amenity complaints, we do not feel it is appropriate to sustain an objection to the proposed development in this instance. However, the following detail is to make clear our position on the current planning submission and its relation to the permit. We do not seek to see control of the processes we regulate through the planning regime, but to advise on the land use related information within the Environmental Statement (ES).

Odour: We have some concern that the submitted Environmental Statement has concluded that modelled odour concentrations are greater than the annual 98th percentile hourly mean odour concentration threshold of $3 \text{ OU}_E/\text{m}^3$. This indicates an increased possibility of complaints at two nearby sensitive receptors; Rodefern Farm ($7.26 \text{ OU}_E/\text{m}^3$) and Oakfield ($3.81 \text{ OU}_E/\text{m}^3$).

Our published regulatory guidance on odour (H4: Odour management) suggests that odour from livestock housing is normally placed in the moderately offensive category. The target suggested in H4 for moderately offensive odours is an hourly mean odour concentration of $3.0 \text{ OU}_E/\text{m}^3$ at the 98th percentile, as a minimum guideline standard to assess the point above which some loss of residential amenity may occur. Whilst relevant, the H4 guidance is more applicable for activities which emit 'consistent' odour emissions around a given level. By their very nature poultry units odour emissions fluctuate according to the stage within the flock cycle. In this case the impact of short period intense odour may not be illustrated using our H4 guidance. Also whilst odour modelling may be considered

conservative, the emission rate per bird in this instance is calculated as an average odour during the crop cycle in the summer months and does not include cleanout (as confirmed in the additional information submitted) when odour intensity can be high, though relatively short term.

Increasing the modelling to 99.5 or 99.8th percentile could incorporate the shorter periods of intense odour which may otherwise be screened out using the standard approach. Any further modelling may require different thresholds for acceptability. It should be noted that the EP would not normally require assessment beyond the 98th percentile of emissions, unless there is a valid reason to do so. However, the submission of the above and possible further mitigation detail might provide greater reassurance to your council and any third parties.

The ES (Appendix 14 - Summary and conclusions) states that predictions for Rodefern Farm are ‘...in the range where ADAS has previously found that there is an increasing risk of complaint’. It goes on to say that based on the consultants’ experience and understanding of proposals that operations would comply with DEFRA (2009) Code of Good Agricultural Practice for farmers, growers and land managers. It says that odour modelling may be considered precautionary and that the site operates under an odour management plan (OMP).

In the interests of certainty, your Council will see that the OMP (dated February 2013) submitted with the ES implies that clean out will try to avoid ‘holiday periods’ and landspreading/storage avoid ‘public holiday periods’. However the OMP submitted as part of the permit variation (February 2014), which relates to the ‘installation boundary’ does not include this. The permit would also not control operations outside of the ‘installation boundary’.

As you are aware we sought additional clarity from the applicant on odour matters, this additional information has not been forthcoming.

Noise: For information the EP will only control sources of noise from within the EP ‘installation boundary’. This would not normally include consideration of lorry movements, and will not control operational hours. We are aware that your Public Protection team are content with the noise submission and have statutory nuisance responsibilities as reassurance. We make no further comment on noise.

Permit Review: To enable certainty, we would normally recommend twin tracking of planning and permit submissions. For completeness, I would advise you that the EP variation application did not include all of the information contained within the ES and accompanying appendices. Of particular interest is the detail, including modelling, submitted in respect of odour assessment and probability of complaint. Whilst it is considered inappropriate to object at this time, having recently issued a permit variation, we have passed this to our Regulatory teams for their information in terms of managing the processes on site. We cannot offer reassurance that the operation will not lead to complaint, but will seek to manage the operation if complaints are received.

Based on the detail in the ES, notwithstanding any planning decision made by your Council, we will be discussing this information with our Regulatory teams to consider whether a formal review of the permit and further assessment and operational controls are appropriate at this time.

Previous comments: In relation to other matters, these were considered in an earlier letter from the Agency, as follows:

The Environmental Permit covers the following key areas of potential harm:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- Operations - including permitted activities, operating techniques, closure and decommissioning;
- Emissions to water, air and land - including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring;
- Information – including records, reporting and notifications;
- Poultry production – including the use of poultry feed, housing design and operation, slurry and manure storage and spreading;

All of the above are permitted within the requirements of Best Available Techniques (BAT).

Ammonia Emissions: The emissions from poultry can directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. At the pre-application stage of EPs, an ammonia screening assessment is normally carried out to identify if a detailed air impact assessment would be required to support the Permit application. The first stage of the screening assessment identifies if there are any European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites) within 10km, Sites of Special Scientific Interest (SSSI) with 5km and other conservation sites within 2km. Notwithstanding the above; in this instance the EP application was supported by an ammonia modelling report. It was concluded that the proposed development was not likely to damage any flora, fauna or geological or physiological features which are of a special interest; and detailed further ammonia modelling was not considered necessary.

Odour: Our guidance states that odour must be considered where:

- there are 'sensitive receptors'* located within 400m of the installation; and/or
- the installation has a history of substantiated odour related complaints within the last three years.

(*Note: For the avoidance of doubt, this would include farmhouses, tenanted properties, and can include other commercial/recreational facilities).

In this instance, there appear to be sensitive receptors within 400m of the installation site boundary (i.e. residential properties) and we can confirm there has also been more than one substantiated odour complaint within the least three years.

Odour from poultry production fluctuates and is likely to increase towards the end of each crop cycle, with most odour associated with shed clean outs. We note that the most intense odour associated with each shed clean out should not exceed 4 hours duration.

Noise: Our permit guidance (Intensive farming 'How to comply' version 2) advises that noise should be considered where there are sensitive receptors (i.e. residential properties) located within 400m of the proposed installation.

Dust / Flies: Whilst intensive poultry farms produce dust, past experience has shown that the majority of it is deposited on the farm itself. Therefore provided that the farm is operated to the BAT then we would not anticipate it causing a nuisance to residents living nearby. We would expect the planning application to detail possible measures to minimise dust, including from roof drainage (discussed further below).

Based on past experience, flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will have been undertaken by us within the EP application, including any necessary controls (mitigation).

Water Management: The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the River Severn- confluence of the Bele Brook to the confluence of the Sundorne Brook (Waterbody Reference GB109054049142), which is classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper to improve waterbody status to 'good' by 2027. Clean Surface water e.g. rainwater from roofs and yard areas that are clean must be separated from contaminated water (dirty) and can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Chapter 8 of the ES outlines that Dirty Water e.g. derived from shed washings, will be kept separate from surface water and be drained into collection tanks. We recommend that dirty water is drained via impermeable surfaces i.e. yard areas and drainage channels around sheds should be concreted. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO).

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality.

Manure Management (storage/spreading): As part of the EP variation application, the applicant would have been required to submit a Manure Management Plan (when the manure/litter is planned to be used on the same farm), which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field

soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would have been required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme, where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. It should be noted that repeated applications of manure/litter on the same arable fields may, over time result in high phosphate index soils. High phosphate soils, through leaching or soil loss, may cause diffuse pollution in watercourses.

Flood Risk: Based on our 'indicative' Flood Zone Maps the site falls within Flood Zone 1 (low risk from fluvial flooding). Given the low risk of fluvial flooding to the site, and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water (quantity) drainage design.

On the basis that the application is EIA, we have the following strategic comments to offer, in consultation with the LLFA. The increase in hard standing area could result in an increase in surface water run-off. Appendix 15 of the ES (Flood Risk Assessment) demonstrates that surface water is not increased when compared to existing run-off rates. Sustainable Drainage Systems (SuDS) are proposed to attenuate surface water to the Greenfield runoff rates, including confirmation of attenuation to the 100 year plus climate change storm event.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

4.1.6 **Natural England.**..No objections. No conditions requested.

Sites of Special Scientific Interest: The application is in the vicinity of Shrawardine Pool, Lin Can Moss, Fenemere, and Hencott Pool Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is therefore considered that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England should be re-consulted.

Habitats Regulations Assessment Required: Fenemere and Hencott Pool form part of the Midlands Meres and Mosses Phase 1 Ramsar site. The NPPF (paragraph 118) applies the same protection measures, i.e. those set out in Regulations 61 and 62 of the Habitats Regulations, to any listed or proposed Ramsar sites, sites formally proposed as European wildlife sites, and sites identified or required as compensatory measures for adverse impacts on European site interest. As such Shropshire Council should undertake a Habitats Regulations Assessment (HRA). Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified.

Protected Species: NE has not assessed this application and associated documents for impacts on protected species. NE's Standing Advice on protected species should be applied to the application. This includes a habitat decision tree which provides advice on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Other advice: NE expects the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal: local sites (biodiversity and geodiversity); local landscape character; local or national biodiversity priority habitats and species. NE recommends that further information is sought from the appropriate bodies in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Biodiversity enhancements The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

- 4.1.7 **English Heritage** No specific comments. 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 **SC Highways** No objections. Access to/from highway network: As part of the previous application on the site for the erection of broiler units, the highways issues and the impact of vehicle movements on nearby village of Great Ness were considered and options deliberated to mitigate the effects of these. The final solution was the construction of a new access road across the adjacent farm land in order that HGVs could bypass the village and avoid using Rodefern Lane with its restricted junction onto the A5 Trunk Road. This access road emerges onto the old A5 close to the Felton Butler roundabout onto the new A5 and from here the wider highway network is reached. Vehicles would only travel on some 350m of County

road, which is a de-trunked section of the former A5 with ample capacity for the traffic it now carries. The proposed further development would be reached by the same access road and it is considered that this would have the capacity to accommodate the intensified vehicle movements generated by the scheme. It is therefore not considered that any further works are necessary in relation to the highway to mitigate the effects of the increased vehicle movements arising from the expansion of the operation proposed on the site. The route drivers must take is controlled by an agreement for the existing operation on the site and this agreement will require amending to include the further development, if permission is granted.

- 4.1.9 **Highways Agency** No objections. The Environmental Statement covers the traffic impact of the development. This states that there will be a maximum 120 additional movements per crop cycle. The Highways Agency is in agreement with Shropshire Council's Highways Officer that this increase is insignificant. Objection comments suggest breaches of the Section 106 routing agreement by HGV's travelling to or from the site. However, no evidence has been provided of this breach and incident statistics for the Rodefern Lane/A5 junction show no incidents during the last 5 years (which covers the period before and after completion of the existing development).
- 4.1.10 **SC Drainage** Surface water calculations and dealing with dirty water have been covered in the Flood Risk Assessment. The drainage details, plan and calculations could be conditioned if planning permission were to be granted (see Appendix 1).
- 4.1.11 **SC Public Protection** No objections. With regard to the conclusions resulting from the noise assessment carried out it is noted that the new road link will reduce the number of residential dwellings that will be potentially affected by the proposed development. The main noise aspect to be considered is noise from the fans that allow ventilation of the sheds. As noise from this aspect will be addressed under the permit which is regulated by the Environment Agency and the assessment shows that this noise source is not likely to be a cause for complaint this noise source should not be constrained by planning conditions as the permit will regulate this aspect. As no amenity issue is shown to be likely this approach will be satisfactory and is in line with paragraph 122 of the National Planning Policy Framework. The other noise impact to be considered is that of traffic movements, particularly night time movements associated with depopulation activities. The assessment shows that although levels predicted may be higher than the guideline levels discussed in the World Health Organisation Guidelines for Community Noise this service does not consider that the increase of 8 night time movements per cycle by HGVs is significant due to the fact that there are already a significant number of events which are noisier than this in the area due to existing traffic movements on the road. Protection was offered by way of conditions placed on the granted planning permission decision on application 10/03789/EIA which allowed the development of the four existing sheds on site. It is advised that should this application be granted permission that similar conditions are placed on this application, to restrict construction hours and to restrict the hours during which the transport of birds can take place (see Appendix 1).

The condition regarding the transport of birds is found on application 10/03789/EIA and it is considered that as it uses the words "one movement is defined as a movement onto and then off the poultry site" and that the poultry site will now include the new sheds that this condition is not an additive condition to allow 8 movements but a condition to keep a limit of 4 movements as defined above.

With regard to odour two properties have been shown to have the potential for complaints by modelling. However, one of these properties exceeds the modelled threshold for potential complaints by a small amount. Due to the conservative nature of the modelling explained within the report odour is unlikely to have an effect at this property. A mean value of 7.26 ouE/m² has been modelled at Rodefern Farm which is above the threshold of 5 which the consultant has known complaints to be made in the past. However, again due to the conservative nature of the model and good practice that will be followed in order to comply with any permit issued it is not considered that complaints are likely at this location. It is therefore expected that BAT employed by the operator in order to satisfy their permit will result in minimal amenity effect in terms of odour. However, when cleaning out the poultry sheds the report stated that little is known of the odour impacts that go alongside this operation. In the last application for the construction of poultry sheds at this site, application 10/03789/EIA, a condition was placed to restrict the movement of manure from the site when cleaning out sheds. It is therefore proposed that this condition is placed upon this application to reduce further the chance of any significant detrimental effect in the area as a result of odour from activities associated with the proposed development (see Appendix 1).

- 4.1.12 **SC Ecologist** No objections. The proposal is to extend the existing poultry farm at Rodefern Lane, Great Ness by adding three additional poultry buildings. The applicant is proposing to create an area of native woodland, unmanaged grassland and plant a species-rich hedgerow.

Great Crested Newt: Detailed presence/absence and population survey data for great crested newts is available from 2011 of all ponds within 500m of the proposed site. It should be noted that this data is deemed 'out of date' by Natural England and Shropshire Council when supporting a planning application.

The proposed application will cover 0.7 hectares. The application has been assessed using Natural England's Rapid Risk Assessment. The result comes out as Green: Offence Highly Unlikely for ponds over 250m from the site. The submitted Ecological Appraisal concludes that due to the scale of the proposed development and the low habitat suitability present, occupied ponds beyond 250m are almost certain to be outside the range of tangible impact. In addition no major predicted habitat corridors exist through the area and the site does not lie in a central location between the ponds or significant areas of potentially suitable terrestrial habitats. Churton Ecology considers that the adjacent ditch is too fast flowing to allow newt dispersal and that it is only seasonally wet.

Churton Ecology has assessed ponds within 250m of the proposed application. There are three standing water bodies. Two of the ponds are located at 150m and 170m, the third pool (swale) was created in 2011 and forms part of the east development plot. The swale will be in-filled as a result of this application.

Both pools at 150m and 170m were surveyed in detail for GCN during 2011 and both were found to be negative. In November 2012 Churton Ecology failed to note any significant changes in breeding habitat suitability and the ponds scored below average and poor on the HSI assessment. The swales scored 0.52.

Further survey work is not deemed necessary providing work is completed within two years of the date of Churton Ecology's report. A condition to require that work is carried out strictly in accordance with the submitted Ecological Appraisal should be on the decision notice, and an informative added (see Appendix 1).

Badger: No badger setts or burrows were located during the survey. Evidence of foraging was noted in the east of the development plot, which currently includes part of a small maize field. An informative should be added (see Appendix 1).

Otter: No sign of Otter foraging or sheltering were noted. No further survey work was deemed necessary.

Water Vole: No signs of Water Vole were noted along the ditch or within the swale. Since both are typically often dry, the habitat was not considered suitable. Churton Ecology have concluded that no further survey work is required.

Nesting Birds: The site has the potential to support nesting birds, and an informative should be on the decision notice (see Appendix 1).

Reptiles: The site does offer limited habitat for reptiles, and an informative should be on the decision notice (see Appendix 1).

Bats: The site has the potential to support foraging and commuting bats. A condition should be imposed to require the prior approval of any external lighting on the site (see Appendix 1).

Ammonia Emissions: ADAS has studied the impact that the poultry units may have on designated sites within 10km of the proposal. As a precautionary measure a Critical Level of $1.0\mu\text{g}/\text{m}^3$ has been assumed for all the sites. There are 7 local sites within 2km of the proposed poultry unit: Nesscliffe Hill Wood AW/LWS; The Cliffe LWS; Vale Wood AW; New Pool LWS; The Woodlands LWS; The Knolls LWS; Folly Pool LWS. There are also SSSI's in the vicinity: Shrawardine Pool SSSI, Lin Can Moss SSSI, Fenemere, and Hencott Pool.

The process contribution to annual mean ammonia concentration are predicted to be below 50% of the critical level of $1.0\mu\text{g}/\text{m}^3$ at all of receptors at the LWS/AWs and below 20% of the critical level of $1.0\mu\text{g}/\text{m}^3$ at the SSSI.

Natural England: Natural England has advised it has no objection to the proposal and that the SSSI does not represent a constraint in determining this application.

HRA: Fenemere and Hencott Pool form part of the Midlands Meres and Mosses Phase 1 Ramsar site. A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for

the application and must be discussed and minuted at any committee at which the planning application is presented.

4.1.13 **SC Rights of Way** No response received.

4.1.14 **SC Conservation** Given the location of the existing development the proposed additional units will not significantly increase the impact of the development on the setting of any heritage assets and therefore no objection is raised to the proposals.

4.1.15 **SC Archaeology** No comments to make on this application with respect to archaeological matters.

4.1.16 **SC Trees** No objection to this application

4.1.17 **Ramblers Association** No response received.

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition approximately 70 properties have been directly notified of the proposals. These include properties in the vicinity of the site, and also residents who made representations in relation to the 2010 planning application for the existing four poultry sheds. 13 objections have been received; 2 letters of support have been received.

4.2.2 The grounds for objection are:

Visual impact

- Existing units are very visible from The Cliffe and are a blot on the landscape; further units will be an abomination and an eyesore
- Will be visible from Nesscliffe Hill which is a Heritage Site
- Solar panels on existing shed are very visible and reflect light
- Will create a huge site totally unacceptable for this area of open countryside adjacent to a conservation area
- Visual impact was not taken into account when the previous application was considered
- Impact on Conservation Area of Great Ness and its Listed Buildings
- New buildings will be 2.3m lower than existing so existing ones will be even more exposed blot on landscape
- Planning Inspector for Flemings Field appeal described that proposal as industrial in scale, significant built structures within the farmland landscape; bunding would be artificial landforms not typical of the surrounding estate farmland; planting would not disguise the poultry farm as the feed bins would be visible even after 10 years; would form an isolated development of industrial scale and appearance which for the first few years would be stark and severe; would have immediate negative impact only partially reduced by a planted artificial landform which would be uncharacteristic; these comments are relevant to current proposal
- Will be larger than the village of Great Ness

Type and location of development

- Not farming, this is industrialisation in a rural setting
- Do not need to be built on farmland; more appropriate in industrial areas
- Small rural communities are about the residents and not the commercial aspirations of individuals
- Development in the Great Ness parish is running out of control. The number of houses and agricultural units awaiting planning permission is far greater than the area and roads can support and are a departure from the adopted development and parish plans
- Should be located closer to the processor at Derbyshire to make more sustainable; at present cannot be considered to be sustainable development
- More productive to grow crops than produce chickens
- Loss of fertile land under concrete
- Too close to designated country park, Conservation Area; not far from a school with its own traffic supply

Traffic

- Heavy traffic through Great Ness ignoring the access
- Surrounding lanes struggle to cope with the heavy vehicles carrying feed, chickens and the tractors and trailers
- Hedges, verges and lanes are damaged as cars and lorries pull off the road to pass each other
- Minimal paths in the village which makes walking hazardous with the large vehicles speeding through
- Treacherous driving to Baschurch with frequent encounters with lorries and tractors, resulting in cars having to reverse back to passing places
- Damage to sandstone walls from constant passing of vehicles
- If permission is granted, applicant should agree to all traffic to use the access track from the old A5; present Section 106 agreement excludes tractors and trailers and also some vehicles that go to other concerns at the site; all these could easily use the access track; no need for any vehicles to come through Great Ness crossroads
- Many complaints made to Shropshire Council about HGV traffic using Rodefern Lane/Great Ness routes during construction and operations; Council has been unable to enforce the Section 106 Agreement, despite provision of photographic and written evidence to the Enforcement Officer; current proposal is unlikely to improve situation
- Real impact of existing and extra traffic should be taken into consideration in recognition of breaches of routing agreement
- Site entrance has never been constructed to requirements of planning permission and HGVs and farm traffic regularly turn from the site onto Rodefern Lane and travel through Great Ness
- Council should ensure that the definition of a 'movement' is clearly defined in the officer report

Odour

- Unpleasant stench from existing 4 units
- Were originally told would be no odour except at the clearing out stage; this is not true, understand the applicant was given a formal warning about the odour by the Environment Agency approximately 12 months ago; odour issue caused by feeding the wrong mix of food to the chickens and failing to maintain the correct atmospheric conditions in the sheds

Local environment

- Conservation area of Great Ness is of great beauty and is being ruined by this business

Design

- Ratio of silos to sheds seems excessive
- Density of existing buildings is totally out of keeping with the area

Community wishes

- Applicant is disregarding the wishes of the community

Drainage

- No consideration in the application to require new swale to be complete before any work commences; Flood Risk Management comments do not address this issue
- Query why, as noted by the EIA, the swale is dry most of the time when the previous application claimed it would allow water run-off to percolate slowly and provide a good habitat for the local wildlife; swale is not fit for purpose

Dust

- Existing units have been a continuing source of dust; has been reported to the Environment Agency

Noise

- Noise of traffic through the village at night and early morning
- Persistent noise during the evenings from either the fans or the feed augers

Smell

- Increase in odour has been substantial
- Unpleasant and obnoxious odour experienced up to and sometimes more than 10 days in a month
- Smell has been reported to the Environment Agency who have agreed there is a smell and have issued formal warnings to the owners

Flies

Fumes from vehicles

Cumulative impact

- Already have 4 poultry units within a 2 mile radius of our village, three of which send traffic through the village; 2 of these other units are also looking to expand
- EIA takes no account of cumulative impact of traffic, odour, dust and noise pollution or of ammonia emissions on the local RAMSAR sites and SSSIs and other sites

Parish Plan

- Objective T3 of the parish plan is to make the parishes a healthier and more pleasant place to live by reducing the impact of traffic

Pollution

- Vast majority of broiler chickens contain campylobacter virus and have been the cause of numerous deaths and hundreds of illnesses; a BBC investigation revealed 500,000 people a year have been infected.
- The Environment Agency have been unable to give assurances that the dust particles and smells from these units is not putting residents health at risk

Environmental Impact Assessment

- Based upon theoretical calculations and modelling and takes no account of real facts; should be given no weight in considering the application
- EIA states all the sheds are in regular use with high levels of noise, light, dust and ammonia predicted

- EIA assumes pollution will not travel more than 400 metres from the site

4.2.3 The reasons for support are:

- Have yet to encounter any noticeable odour
- Rarely notice any noise from vehicles going up the access road, especially now the drive has been laid with tarmac, so extra vehicle movements will not be a problem
- get more disturbances from the main road passing by our house, for example buses and army vehicles
- when walking up the Cliffe you can barely see the tops of the feed bins, this will also improve when the planted trees mature, masking the site even more
- more broiler units will be good for the public in general; having more will not make any difference to the view or the people who live around the area
- there are already 4 units so how will 3 more make a difference

5.0 **THE MAIN ISSUES**

- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character and visual impact
- Impact on heritage assets
- Local amenity and other considerations
- Traffic and access considerations
- Rights of way considerations
- Ecological considerations
- Impact on water resources

6.0 **OFFICER APPRAISAL**

6.1 **Planning policy context; principle of development**

6.1.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

6.1.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no

unacceptable adverse environmental impacts. The Policy provides support for the appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74).

- 6.1.3 Policy CS6 sets out sustainable design and development principles to be applied to new proposals. These relate to issues such as the safeguarding of residential and local amenity, high quality design of appropriate scale and pattern (which takes into account local context and those features which contribute to local character), accessible location, and appropriate landscaping.
- 6.1.4 Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets.
- 6.1.5 Policy CS17 relates to environmental networks of natural and historic assets, and (among other points) emphasises that all development 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.
- 6.1.6 Policy CS18 sets out design principles for the integration within new developments of measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.
- 6.1.7 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy. The application would create an additional 1.4 full-time equivalent employees plus contract labour employment. The Environmental Statement (ES) has assessed the indirect employment that would be generated by the proposal, including catching teams; feed delivery and poultry collection drivers; poultry processors. The ES calculates that, of the quantifiable indirect labour, the site would generate the equivalent of 47.9 full time employees.
- 6.1.8 In principle therefore the proposed expansion of the existing broiler chicken business can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.
- 6.2 **Siting, scale and design; impact on landscape character, and visual impact**
- 6.2.1 Siting, scale and design: The proposed additional sheds would be positioned

parallel to the existing four sheds, and would match these in terms of orientation, design, appearance and dimensions (albeit that one of the sheds would be slightly shorter in length). This would provide a uniform design and minimise visual impact, and it is considered that this layout for be acceptable in principle.

- 6.2.2 Impact on landscape character: The site is located within a gently rolling lowland landscape, with medium to large scale fields generally in arable use bounded by hedgerows containing occasional hedgerow trees. There are also a number of small scale woodland blocks in the local landscape. Further to the northwest the land rises steeply to the wooded hills of Nesscliffe Hill Country Park. The existing buildings are low profile structures and sit relatively low in the landscape. They are finished in Juniper Green colour to help to minimise visual impact on the surrounding landscape. The earth mounding restricts views of the buildings however they are visible from some public viewpoints in the local area, including the footpath that runs through the site, other footpaths to the south and north, and from public highways in the vicinity. Substantial tree and shrub planting has taken place around the site as part of the approved landscaping scheme, and as this develops this will screen the development further.
- 6.2.3 The LVIA has assessed the quality of the local landscape and considers that it is of 'moderate' quality. There are no national or local landscape designations affecting the application site and surrounding landscape. In terms of landscape value the LVIA considers that the area has Local Landscape Value. The Shropshire Landscape Character Assessment classifies this area as having 'low' overall sensitivity to change. The LVIA has also considered the landscape sensitivity of the area and considers that the area has low/medium sensitivity and medium/high capacity to accommodate additional poultry houses, subject to sensible siting and design. This indicates that the landscape can accommodate larger scale change.
- 6.2.4 The existing 3.5 metres high screen mound to the north of the existing sheds would be extended, using material excavated from the site. A new native species tree belt would be planted on this mound to tie in with the existing planting. Additional tree belts would be planted around the northeast and southeast sides of the development. Where possible existing trees and shrubs recently planted at the eastern end of the existing site would be translocated for re-use in the new landscaping scheme.
- 6.2.5 The proposed development would not result in the loss of any important landscape features and existing established hedgerows in the area would be retained. In terms of the impact on landscape character, it is noted that the proposed extension would be seen in the context of and against the backdrop of the existing poultry farm. The LVIA states that the type of landscape in which the site is located occurs over large areas of Shropshire, and large farmsteads, including poultry farms, are now commonplace within this landscape. It suggests that these are the sort of agricultural developments that one now expects to see in a modern working landscape. The LVIA states that, in relation to landscape impact, the height of a building is generally more significant than its floor area. It is noted that the proposed buildings would be low profile and would sit relatively low in the landscape, and that two of the sheds would be constructed at a level which is more than 2 metres lower than the existing sheds. The feed bins would be the highest

element of the development, although again the four bins associated with the easternmost two sheds would be constructed at a lower level than the existing bins. The proposed mound to the north would provide substantial screening of the poultry houses and, in time, the tree and shrub planting would provide additional and increasing screening of the development from all directions.

6.2.6 Overall, Officers concur with the conclusions of the LVIA that the effects on the landscape character would be Minor/Moderate adverse during construction and immediately on completion, reducing to Minor adverse once the new and existing tree and shrub planting takes effect. Therefore, whilst the proposal would result in some degree of adverse impact on landscape character it is considered that this landscape is able to accommodate such change and that, when assessed in relation to the wider benefits of the proposal, these impacts are not unacceptable. The proposal can therefore be accepted in relation to Core Strategy Policies CS5 and CS6 regarding impact on countryside character.

6.2.7 Cumulative landscape impact: Some concerns have also been raised in respect of the cumulative impact of this development with other similar poultry unit developments in the area. It is recognised that there are a number of such developments in the area, including at Felton Butler (1.4km to the southwest) and the recently permitted site at Foxholes (1.7km to the northeast), and that it may be possible to view more than one poultry unit from the same location. However given the distance between the poultry units and the distance from which such views would be possible it is not considered that the current proposal would give rise to adverse cumulative impact.

6.2.8 Visual impact: The LVIA has also assessed the visual impact of the proposed development. In relation to the public footpath that runs through the site, given the proximity and scale of the development there would be adverse visual impact for users of the path. It is noted however that the proposed poultry houses would be seen in the context of the existing development and that such visual impact would reduce as the landscape planting becomes more established. Similar comments apply to the other nearby public footpaths. Given the transitory nature of such views and the nature of the development within an agricultural landscape it is considered that such visual impact can be accepted. In relation to the nearest residential properties to the site, Oakfield and Rodefern Farm, views of the development would be limited to upstairs windows and again such visual impact would reduce to acceptable levels as the screening belt develops. It is noted that objections to the proposal have not been received from either of these two properties.

6.2.9 Some objections to the proposal have stated that the proposed development would be visible from Nesscliffe Hill and The Cliffe. However it should be noted that these areas are approximately 1.6km from the application site and these would therefore be relatively distant views which would reduce their significance.

6.3 **Impact on heritage assets**

6.3.1 A number of objectors have raised concerns over the impact of the proposed development on the Conservation Area of Great Ness village. The EIA includes a Heritage Impact Assessment (HIA) to evaluate the potential impact of the proposed

development upon the heritage assets in the vicinity of the site. This identifies that the principal heritage asset in the area are the Conservation Area (approximately 250 metres to the northwest of the application site), and Adcote School, a Grade I Listed Building which is approximately 1.75km to the northeast amid parkland whose boundary lies around 1.25km from the site. The nearest Listed Building is the Grade II Listed building known as The Poplars, approximately 400 metres to the northwest of the application site.

6.3.2 In relation to the Conservation Area, the HIA concludes that the proposal would not impact upon the form and historic buildings within it, and the significance of the area would be sustained. The impact upon its setting and views would be localised around the site and therefore low. In relation to Adcote, the HIA states that the proposal would not impact upon the architectural and historic interest of the asset, or its setting and group value, and the significance of Adcote would be sustained. While some views in to and out from Adcote would be affected, the degree of impact would be low in the locality of the site.

6.3.3 The Council's Conservation Officer has advised that, given the location of the existing development, the proposed additional units would not significantly increase the impact of the development on the setting of any heritage assets and has therefore raised no objections to the proposals. In view of the distance of the site from surrounding heritage assets, the screening provided by existing hedgerows and from the proposed landscaping, it is not considered that the proposal would adversely affect the historic environment of the area. The proposal can therefore be accepted in relation to Core Strategy Policy CS17 to protect the historic environment.

6.3 **Local amenity and other considerations**

6.3.1 Odour: An Odour Impact Assessment has been undertaken as part of the EIA. Based upon the modelling undertaken, this Assessment concludes that the mean annual 98th percentile odour concentrations would be greater than the Environment Agency's benchmark at the two nearest residential properties, Rodefern Farm and Oakfield. In respect of Rodefern Farm, the model predicts that these average odour concentrations would be in a range where the applicant's odour consultant has found that there is an increasing risk of complaint. For Oakfield, the predicted odour concentration would be less than the level where the consultants have found there is an increasing risk of complaint. At all other receptors included within the Odour Impact Assessment, the modelling has predicted that odour concentrations would be less than the Environment Agency's benchmark.

6.3.2 Objections to the proposal have been received from local residents on the grounds of odour generated by the existing operation. However it is noted that none of these objections have been received from the nearest properties, at Rodefern Farm and Oakfield. The Environment Agency has confirmed that they have received more than one substantiated odour complaint regarding the existing poultry development within the last three years.

6.3.3 However notwithstanding the above the Environment Agency has confirmed that it is not appropriated to sustain an objection to the current application. This is on the basis that:

- they have recently issued a variation to the Environmental Permit for the site which allows an increase in bird numbers to 350,000 which is comparable with the number of birds which would be housed within the seven sheds
- this Permit imposes conditions in relation to processes likely to generate amenity complaints.

6.3.4 It is also noted that the Council's Public Protection Officer has raised no objections to the proposals in relation to potential odour impact. The Officer considers that, due to the conservative nature of the odour modelling, and the good practice which would be followed in order to comply with the Permit, it is unlikely that complaints would be made. The Officer has recommended that conditions are imposed to restrict times when manure could be moved from the site

6.3.5 On the basis of the modelling undertaken it is noted that there is a risk that complaints may be made due to odour levels that may be experienced at the nearest residential property. However, as noted by the Environment Agency, odour from poultry production fluctuates and is likely to increase towards the end of each crop cycle, with most odour associated with shed clean outs. In addition, the most intense odour associated with each shed clean out should not exceed 4 hours duration.

6.3.6 In relation to the current poultry operation, a number of management measures are implemented to minimise the generation of odour. These would be employed as part of the proposed development, and include the following:

- Keeping the litter dry to reduce odour generation
- Only cleaning one shed at a time
- Ensuring that ventilation is kept running during the shed clean out stage to ensure that the odour is dispersed at a high level rather than out of the door
- Avoiding cleaning out when weather conditions are not favourable wherever possible.

6.3.7 In addition, the odour consultants have confirmed that the procedures and techniques to be employed at the proposed development for the minimisation of odour would comply with the Code of Good Agricultural Practice. Furthermore it is noted that the existing poultry unit operates under an Odour Management Plan as part of the Environmental Permit. This requires on site and off site monitoring, supplemented by Environment Agency monitoring when there is complaint.

6.3.8 On the basis of the technical advice of the Environment Agency and the Public Protection Officer, the best practice procedures to be followed, and the additional management and monitoring requirements which will be imposed by the Environmental Permit through the Odour Management Plan, it is considered that there would be sufficient control over the proposed development to ensure that the risk of odour complaint is minimised to acceptable levels.

6.3.9 Noise control: A Noise Impact Assessment has been undertaken and this identifies that the key source of noise from the proposed development relates to the operation of the ventilations fans. It is noted that these fans operate intermittently, based upon temperature. Other noise sources include: the loading of the feed hoppers; vehicle noise, including during catching and litter loading; pumps used

during the cleaning process. The Noise Impact Assessment has predicted noise levels which would occur in a worst-case scenario with all fans operating together. It concludes that noise levels would be unlikely to exceed night-time noise limits according to British Standard and World Health Organisation guidance to prevent sleep disturbance. The Environmental Permit would provide controls over noise arising from within the operational boundary, such as the ventilation fans, and the Environment Agency has raised no objections on noise grounds.

- 6.3.10 However the Permit would only control sources of noise from within the permit 'installation boundary'. This would not normally include lorry movements or operational hours. In relation to HGV movements, the Noise Impact Assessment indicates that night-time noise may exceed guidance levels at two properties (Glencoe and Whitehall, located adjacent to the point where the access road meets the old A5) with windows open. However the Assessment states that this is unlikely to be significant for a number of reasons, including: such properties regularly experience noise levels higher than guidance levels due to the influence of the local road network; these properties are close to the old A5 and are therefore likely to be used to this type of noise; HGV movements at night-time would only occur over 6 nights during the 48-day crop cycle and therefore only comprise an occasional event. The Public Protection Officer has raised no objections in relation to the proposal on noise impact grounds subject to the imposition of conditions to restrict construction hours and to restrict the hours during which the transport of birds can take place. These can be added to the decision notice (see Appendix 1). Overall it is considered that noise generated by the proposed development would be controlled to acceptable levels.
- 6.3.11 External lighting: External lighting would be similar to that provided for the existing poultry houses. The northern gable ends of each unit would be lit externally with a single low-wattage light of low intensity. It is proposed that all external lighting would be downward facing and protected with a cowl to reduce light spillage. Lighting would only be required during working hours in the winter months and during bird catching. No high intensity security lighting is proposed.
- 6.3.12 Dust and flies: In relation to dust, the Environment Agency has advised that past experience has shown that the majority of it is deposited on the farm itself. The Agency does not anticipate this causing a nuisance to nearby residents provided that the operation is undertaken in accordance with the Best Available Technology (BAT). The proposed extended screening mound to the north of the site, and the proposed tree and shrub planting around the perimeter of the site would have dust attenuations properties.
- 6.3.13 The Environment Agency has advised that flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will have been undertaken by the Agency as part of the Environmental Permit, including any necessary controls (mitigation).
- 6.3.14 It is not considered that proposed development would result in adverse levels of amenity from dust and flies.

6.4 Traffic and access considerations

- 6.4.1 The Section 106 legal agreement associated with the 2011 permission provides for the construction of a dedicated private access road between the site and the detrunked section of the A5 public highway, and a routing restriction. This access road enables traffic associated with the poultry unit development to access and egress the site directly to/from the A5, thereby avoiding the use of the local rural highway network. Directional signs have been erected in the local area advising drivers of the correct route to take.
- 6.4.2 A number of objectors to the proposal have been made on the grounds that some heavy traffic associated with the poultry unit development uses the local highway network and passes through Great Ness. The Planning Enforcement Officer has confirmed that incidents of potential breaches of the routing restriction have been made by some residents. The Officer has advised that these occurred during the early stages of the development, including during the construction phase, and that no recent reports of breaches have been received.
- 6.4.3 The Section 106 agreement would need to be varied to ensure that the routing agreement is relevant to the current proposal to extend the site, and a draft routing agreement has been submitted by the applicant. The applicant's agent has agreed to tighten the wording of this to ensure that all HGVs used the dedicated access road, regardless of their next destination. It is considered that this would remove uncertainty and facilitate enforcement of the routing agreement, and is supported.
- 6.4.4 The routing agreement provides for a warning and banning system to drivers who do not comply with the routing restriction, and this would be incorporated within any revised agreement. The draft agreement also requires records to be made of all HGVs that visit the site, including vehicle registration numbers. This is current practice, and will assist with following up any future reports of breaches of the routing restriction.
- 6.4.5 The Environmental Statement indicates that HGV traffic would increase by 67% over current levels, rising from 140 movements per cycle to 236 movements per cycle. Tractor and trailer traffic would increase by 72%, from 36 movements per cycle to 62 movements per cycle. There would be no increase in cars, vans or LGVs. The Highways Officer has confirmed that the existing dedicated access road to the site has sufficient capacity to accommodate the intensified vehicle movements generated by the current proposal. The Highways Agency has advised that the increase in traffic movements is insignificant, and has raised no objections.
- 6.4.6 In terms of the tractor and trailer movements, these would primarily be associated with the transport of manure and it is considered that this would form part of normal agricultural traffic on the local road network. The Environmental Statement indicates that these movements would be at the end of the crop cycle over either one or two days, and as such would occur on a maximum of 16 days of the year.
- 6.4.7 It is concluded that, subject to the routing restriction being maintained, the proposal is acceptable in terms of highway safety and capacity.

6.5 Rights of way considerations

6.5.1 A public footpath passes through the application site, running between the poultry houses to the west and the proposed swale to the east. The route of the path is unaffected by the proposed development and can continue to be used.

6.6 Ecological considerations

6.6.1 The planning application is accompanied by an Ecological Appraisal which considers the potential ecological impacts arising from the proposed development, based upon the findings of a habitat survey and a protected species survey and also a desk based survey. The appraisal concludes that the site comprises several common habitats, including intensive arable land, recent plantation, a seasonally wet swale and amenity/species-poor grassland. It states that none of these are considered national or local priority habitats and each constitutes either inherently low-grade species-poor and structurally non-diverse habitat, or low-grade habitat in its current stage of maturation/ecological succession. The application confirms that no impacts of moderate to major significance on habitats or species are likely. Nevertheless it is acknowledged that there could be significant direct impact on some of these habitats. However a number of measures have been put forward to compensate and mitigate for any loss of habitat or general disturbance to species. Habitat would be enhanced through the proposed landscaping scheme.

6.6.2 The Council's Ecologist has confirmed that there are no objections to the proposals on ecological grounds, and notes that the proposals include the creation of an area of native woodland, unmanaged grassland and the planting of a species-rich hedgerow. The ecological appraisal notes that these would result in an overall positive impact on local wildlife. The Council's Ecologist has recommended the imposition of a number of conditions including a requirement that the development is undertaken in accordance with the recommendations of the submitted Ecological Appraisal, and these can be imposed on the decision notice.

6.6.3 Ammonia: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. An Ammonia Concentration Study has been undertaken as part of the EIA and this predicts that the contributions to ammonia concentrations will be below the relevant environmental thresholds. The Environment Agency has confirmed that the ammonia modelling report has concluded that the proposed development is not likely to damage any flora, fauna or geological or physiological features which are of a special interest; and that detailed further ammonia modelling is not considered necessary.

6.6.4 In view of the potential impact of the proposal on the European designated sites at Hencott Pool and Fenemere Ramsar sites through aerial emissions, particularly ammonia, the Council's Ecologist has completed a Habitats Regulations Assessment Screening matrix. This is attached to this report.

6.6.5 In conclusion it is considered that the proposed development incorporates satisfactorily avoidance, compensation and mitigation measures in respect of potential ecological impacts which may arise.

6.7 Impact on water resources

- 6.7.1 The EIA includes an assessment of the potential impacts of the proposed poultry installation on water resources including surface waters, groundwater and flood risk, and also includes a Flood Risk Assessment. This has identified that the principal potential risks posed to water resources by the proposals (given that all operations will occur on hardstanding within a building) include pollution of local watercourses and habitats, an increase in surface water runoff and contamination of groundwater and surface water.
- 6.7.2 Surface water from the site would be directed via drainage channels to a new swale to be constructed to the east of the site, as part of a Sustainable Urban Drainage System, in order to minimise flood risk potential in nearby surface waters. Dirty water would comprise wash down water arising from the cleaning of the poultry units. This would be collected in underground storage tanks located to the front and rear of the proposed sheds, and then spread to land.
- 6.7.3 The Council's Drainage Officer has recommended that details of soakaways should be submitted for approval and an appropriate condition is set out in Appendix 1 below. Whilst the proposal has the potential to result in pollution of water resources and increase run-off, it is considered that the proposals have demonstrated that this risk can be minimised to a satisfactory degree.
- 6.7.4 Manure management: The chicken manure arising as part of the proposed development would be managed as part of normal agricultural operations and does not form part of the application that has been submitted. This element of the poultry operation, including the requirement for a Manure Management Plan, is dealt with as part of the Environmental Permit which is regulated by the Environment Agency.

7.0 CONCLUSION

- 7.1 The proposal to extend the existing poultry unit development at Great Ness represents an appropriate expansion of this existing agricultural business, and would provide direct and indirect economic benefits. The EIA accompanying the application has identified the potential impacts of the proposal and appropriate mitigation measures. The impact of the proposal on landscape character would be mitigated by the extension of the existing screening bund. Further screening of the development would be provided in time once the substantial landscaping scheme develops. Whilst the proposal may result in some impact in the local area from odour and traffic noise, any such impacts would only occur on an infrequent basis and would be at an acceptable level. The design of the scheme incorporates a sustainable drainage system and includes appropriate ecological mitigation and a satisfactory access which avoids the need for traffic to access the site via local lanes.
- 7.2 Whilst the objections to the application are acknowledged, it is considered that the potential impacts of the proposal would be minimised to acceptable levels. Further controls over the operation would be provided by the Environmental Permit. On balance it is considered that the proposal can be accepted in relation to Development Plan policies and other material considerations and that planning permission can be granted subject to the conditions listed in Appendix 1 and subject to the variation of the existing Section 106 legal agreement.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose 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 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

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. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken

into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS4 (Community Hubs and Community Clusters) – in the rural area, communities will become more sustainable by policies including: focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets Policy CS5;
- Policy CS5 (Countryside and Green Belt) – development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts; the retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change; requiring proposals likely to generate significant levels of traffic to be located in accessible locations; ensuring that all development: protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character; contributes to the health and wellbeing of communities, including safeguarding residential and local amenity; makes the most effective use of land and safeguards natural resources;
- Policy CS7 (Communications and Transport) – seeking a sustainable pattern of development that reduces the impacts of transport
- Policy CS13 (Economic Development, Enterprise and Employment) – to develop and diversify the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and prosperous communities; in rural areas, supporting the development and growth of Shropshire’s key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing; recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains;
- Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire’s landscape, cultural and historic assets;
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets, by ensuring that all development: protects and enhances the diversity, high quality and local character of Shropshire’s natural, built and historic environment, and does not adversely affect the visual,

ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors; contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets; does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;

- Policy CS18 (Sustainable Water Management) – development should integrate measures for sustainable water management to reduce flood risk, and avoid adverse impact on water resources

10.2 Central Government Planning Policy and Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF:

- promotes sustainable economic growth and prosperity (Chapter 1);
- supports a prosperous rural economy, including the development and diversification of agricultural rural businesses (Chapter 3);
- requires that developments that generate a significant amount of movement should be supported by a Transport Statement or Transport Assessment (Chapter 4);
- requires that decisions take account of whether safe and suitable access to the site can be achieved, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development (Chapter 4);
- promotes good design as a key aspect of sustainable development (Chapter 7);
- supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10);
- states that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; minimizing impacts on biodiversity and providing gains where possible; preventing development from contributing to unacceptable levels of soil, air, water or noise pollution; remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land (Chapter 11);
- states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life; recognize that development will often create some noise (Chapter 11, para. 123);
- decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (Chapter 11, para. 125).

10.3 Emerging Development Plan policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: Consultation has taken place on the draft Development Management policies in support of the SAMDev. The SAMDev will allocate sites for various types of development and will set out detailed policies to guide future development in the county. At this stage, the site and immediately surrounding area are not subject to any specific allocation in the SAMDev.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

- MD2 (Sustainable Design), requiring development to achieve local aspirations for design wherever possible; contribute to and respect locally distinctive or valued character and existing amenity value; incorporate sustainable drainage techniques; consider landscaping holistically;
- MD7b (General Management of Development in the Countryside), stating that planning applications for agricultural development will be permitted where it can be demonstrated that the development is: required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve; well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and, there will be no unacceptable impacts on environmental quality and existing residential amenity;
- MD12 (Natural Environment), seeking to achieve the conservation, enhancement and restoration of Shropshire’s natural assets by ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on specified natural assets/designated areas; encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition; supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area.

10.4 Relevant Planning History:

09/01583/FUL Erection of four poultry broiler units and ancillary works including off-site highway improvements - Refused 27th May 2010

10/03789/EIA Erection of four poultry units, ten feed bins and ancillary buildings; formation of new access road; landscaping scheme (amended description) - Granted 16th May 2011

12/02011/FUL Erection of an additional feed bin - Granted 2nd July 2012

13/01383/AGR Erection of an agricultural storage building to store farm implements and machinery – Prior Approval not required 6th May 2013

11. **Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
The application ref. 13/04305/EIA and supporting information and consultation responses.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr David Roberts (Loton)
Appendices: APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings:
 - 01/02 Topographical Survey
 - 1407.03 Soft Landscape Proposals
 - 308/02 Plans and Elevations
 - 44239-4 Elevation of Feed Bin
 - 44239_L100 Proposed Site Plan
 - 44239_L101 Proposed Site Sections
 - 44239-1 Drainage Layout
 - 44239-3 Location Plan

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. Notwithstanding the submitted landscaping scheme, prior to the commencement of the development details of the screening mounds at the site, including height and profile, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide for the completion of the construction of the screening mounds prior to the use of the buildings hereby permitted.

Reason: To ensure that screening mounds are constructed to an acceptable appearance in the interests of protecting landscape character.

4. 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 20% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, the drainage calculations in the Flood Risk Assessment are acceptable. Confirmation is required that the outfall ditch is suitable to take the proposed flow.

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.

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

5. 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.

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

6. The external colour and finish of the poultry houses and feed hoppers hereby permitted shall match that of the existing adjacent poultry houses and feed hoppers.

Reason: To ensure the materials and appearance of the development are appropriate in the landscape.

7. Notwithstanding the submitted landscaping scheme, any trees or plants, that within a period of 5 years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with other species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the visual impact arising from the development is mitigated in accordance with the approved details.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: Development of the facility allowed under permitted development have not been assessed as part of this proposal. The Local Planning Authority would wish to retain control over this to enable it to assess any impacts that may cause harm to interests of acknowledged importance.

9. Construction works on any part of the development shall not take place outside 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

10. Lorry movements when transporting birds during depopulation between 23:00 and 06:00 hours shall be restricted to a maximum of 4 movements and once on site no lorries shall leave the development site between 23:00 and 2:00 hours. One movement is defined as a movement onto and then off the poultry unit site.

Reason: To minimise disturbance to neighbouring residents.

11. Construction traffic shall not access or egress the site other than via the dedicated access road which connects the site to the A5 public highway.

Reason: To safeguard the amenities of the area.

12. The removal of poultry manure shall not take place outside 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays and Sundays and at no time on Bank Holidays.

Reason: To minimise disturbance to neighbouring properties.

13. Work shall be carried out strictly in accordance with the Ecological Appraisal of Land at Rodefern Lane conducted by Churton Ecology (November 2012) attached as an appendix to this planning permission.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

Informative(s)

1. Drainage: The applicant should consider employing measures such as the following:
Water Butts
Rainwater harvesting system
Permeable surfacing on any new driveway, hardstanding area.

2. 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.

3. 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.
4. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

5. 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.

6. 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.

7. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

This page is intentionally left blank

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

13/04305/EIA
 Poultry Broiler Units
 Great Ness
 Montford Bridge
 Shrewsbury
 Shropshire
 Erection of three poultry rearing buildings, eight feed bins and associated works

Date of completion for the HRA screening matrix:

14th April 2014

HRA screening matrix completed by:

Nicola Stone
 Assistant Biodiversity Officer
 01743-252556

Table 1: Details of project or plan

<p>Name of plan or project</p>	<p>13/04305/EIA Poultry Broiler Units Great Ness Montford Bridge Shrewsbury Shropshire Erection of three poultry rearing buildings, eight feed bins and associated works</p>
<p>Name and description of Natura 2000 site</p>	<p>Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i></p> <p>Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i></p>

Description of the plan or project	Erection of three poultry rearing buildings, eight feed bins and associated works. The application has the potential to impact the European designated sites at Hencott Pool Midland Meres and Mosses Ramsar Phase 2 and Fenemere Midland Meres and Mosses Ramsar Phase 1 through aerial emissions particularly ammonia.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	N/A Where no significant likely effect of the proposals are noted on a European Designated Site consideration of in combination effects is not considered necessary by Environment Agency or Natural England.

Statement

The modelling technique approved by the Environment Agency was used by ADAS (30th January 2013) to model aerial emissions in relation to the proposals in planning application 13/04305/EIA.

The relevant thresholds agreed by Environment Agency and Natural England are:

- emissions of ammonia under 4% of the critical level for a European Designated site (sites within 10km considered)
- emissions of ammonia under 20% of the critical level for a Site of Special Scientific Interest (sites within 5km considered)
- emissions of ammonia under 50% of the critical level for a County Wildlife site or Ancient Woodland (sites within 2km considered)

Any emission over the thresholds for European Designated Sites would require a full Appropriate Assessment to be carried out.

Any emission under these thresholds is not considered 'significant' by Environment Agency and Natural England and is considered to have no in-combination effects.

Hencott Pool SSSI and Midland Meres and Mosses Ramsar Phase 2 critical level for ammonia is $1\mu\text{g}/\text{m}^3$

Fenemere SSSI and Midland Meres and Mosses Ramsar Phase 1 critical level for ammonia is $1\mu\text{g}/\text{m}^3$

The ADAS ammonia modelling submitted with application reference 13/04305/EIA concludes that the ammonia emissions from the proposed development would be considered insignificant for permitting purpose.

The Environment Agency has concluded that;
'The EP application was supported by an ammonia modelling report. It was concluded that the proposed development was not likely to damage any flora, fauna or geological or physiological features which are of a special interest; and detailed further ammonia modelling was not considered necessary'.

The Significance test

The proposed works under application No13/04305/EIA - Poultry Broiler Units, Great Ness, Montford Bridge, Shrewsbury Shropshire for the Erection of three poultry rearing buildings, eight feed bins and associated works will not have a likely significant effect on Hencott Pool & Fenemere Ramsar. An Appropriate Assessment is not required.

The Integrity test

There is no likely effect on the integrity of the European Designated Site at Hencott Pool & Fenemere Ramsar from planning application 13/04305/EIA at Poultry Broiler Units, Great Ness, Montford Bridge, Shrewsbury Shropshire for the Erection of three poultry rearing buildings, eight feed bins and associated works.

Conclusions

There is no likely significant effect of planning application 13/04305/EIA at Poultry Broiler Units, Great Ness, Montford Bridge, Shrewsbury Shropshire for the Erection of three poultry rearing buildings, eight feed bins and associated works.

Planning permission can legally be granted.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

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

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

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

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

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

Habitat Regulation Assessment Outcomes

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

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

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



Committee and date
 Central Planning Committee
 29 May 2014

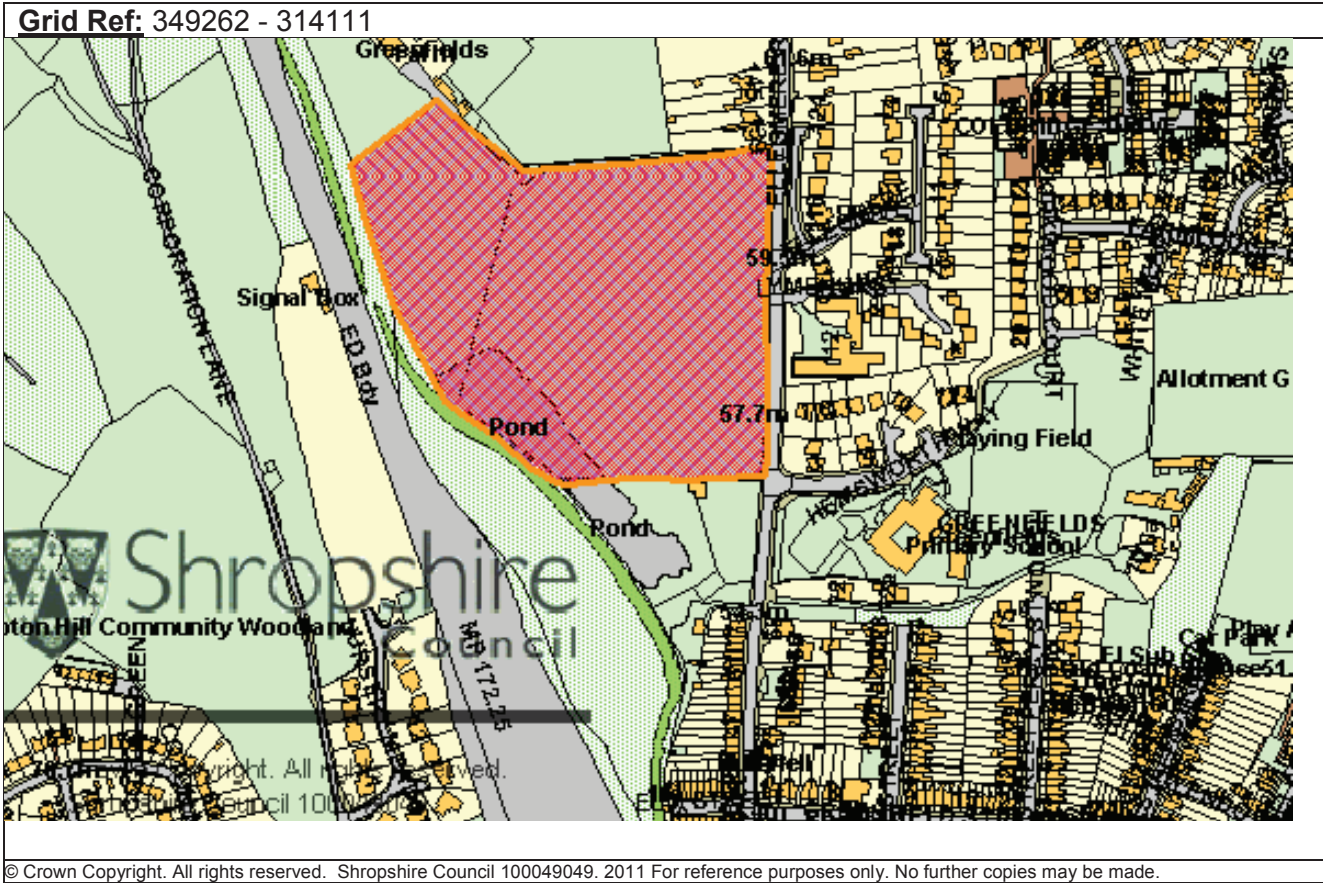
Item
8
 Public

Development Management Report

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

Summary of Application

Application Number: 13/05124/FUL	Parish:	Shrewsbury Town Council
Proposal: Mixed residential development of 75 dwellings (including 8 affordable units), formation of vehicular access; provision of open space and associated landscape and infrastructure improvements		
Site Address: Land Opposite Ellesmere Drive Ellesmere Road Shrewsbury Shropshire		
Applicant: Crest Nicholson South West		
Case Officer: Jane Raymond		email: planningdmc@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure the developer contributions and provisions outlined in paragraph 6.9 of this report.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 75 two, three, four and five bedroom dwellings (including 8 affordable units), the formation of one primary vehicular access and two additional accesses off Ellesmere Road, the provision of open space and associated landscaping.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a greenfield site extending to approximately 4 hectares to the North of Shrewsbury on the West side of Ellesmere Road opposite Ellesmere Drive and Lymehurst Nursing Home. To the North of the site is the access lane to Greenfields Farm, there is a hedge along the Eastern boundary with Ellesmere road and an area of mature trees and vegetation forms the boundary to the railway line to the West. There is a large pond in the South West corner of the site.

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 although the Town Council does not object to the application it has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Planning Policy

The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the SABC Local Plan, 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. As at September 2013, the Council considered that it could demonstrate a 5.28 years supply of land for housing in Shrewsbury (4.95 years in Shropshire as a whole), but recognises the marginality of this position, which is constantly changing and open to challenge. 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 not proposed to be allocated for housing in the Pre-Submission Draft SAMDev Plan. The site was promoted for inclusion in the Plan but, whilst the site was assessed by planning policy officers as being in a sustainable location in principle, being relatively close to the town centre and facilities, it was considered to be subject to significant constraints, including the large pool on the southern part of the site. However, the primary reason for not proposing to allocate land for further development in this part of the town was the issue of the potential impact of additional traffic on Ellesmere Road/Chester Street and planning policy officers judged that the land opposite Ellesmere Drive was only a 'realistic' site (in terms of the SAMDev Plan) if traffic impacts could be satisfactorily accommodated/mitigated. The options for allocation, and then the issues arising from the Preferred Options and Revised Preferred Options consultations were considered by officers, local Councillors, and a Shrewsbury Joint Members SAMDev Plan Working Group, with the Group not seeking to include the site as an allocation or within the town development boundary.

A consideration in assessing the potential for increased highways impacts is the presence of an adjoining brownfield site (former railway land west of Ellesmere Road) which has outstanding consent for approximately 150 dwellings and which is proposed to be included as an allocation in the Plan, so there will be additional development and associated traffic generation in the area in the coming years. That site includes provision of a footpath and cycleway link underneath the Ellesmere Road railway bridge to link with the footpath/cycleway through the residential development to the south of Ellesmere Road. In my view, it is important that any development of the application site allows for a continuation of this planned development of the footpath/cycleway network in order to provide sustainable transport opportunities which could help to reduce traffic impacts and increase sustainability.

If, following consideration of the traffic and highways issues and any associated mitigation measures, the view is that the development is acceptable in principle then, for it to be sustainable development, it would be important that the development was contributing adequately to infrastructure provision. Therefore, and without prejudice to the consideration of the other material planning issues, overall infrastructure costs and contributions required to address impacts arising from 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 has been identified to be £507,251, with the overall contribution being £591,355 (subject to finalisation) 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:	£100,100
Contribution to town-wide highways network and sustainable transport:	£82,500
Contribution to local highways network (including Section 278 works):	£50,000
Education contribution:	£149,651
On site play facilities and maintenance:	£125,000
Total:	£507,251

The infrastructure contributions would 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. Policy Officers confirm that this 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.

If agreed to be provided, the 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**

The highway authority raises no objection to the granting of consent subject to a planning condition regarding the access road and works to the highway and a S106 to provide a pedestrian crossing and to ensure adequate arrangements are made for the ongoing management and maintenance of the on-site surface water drainage system.

Although this is not a SAMDev preferred options site, this application is being considered under the current lack of demonstrable five-year land supply and therefore must be weighed up against current national planning policy. The key consideration for the local highway authority when reviewing this application has

been the impact of additional traffic from this and the adjacent committed site on the surrounding road network, particularly at the recently improved Chester Street/Castle Street gyratory junction in the town centre.

We have therefore deliberated over the potential traffic impacts on Ellesmere Road, weighted against the sustainability credentials of the site. The Transport Statement provided with the application (note that for a development of this size a full Transport Assessment report is not required in accordance with Department for Transport guidelines) contains a trip rate assessment for the site, which details the expected vehicle movements. Whilst in our opinion the trip rates provided are considered to be robust, the report excludes vehicle movements from the dwellings accessed from the secondary private drives off the Ellesmere Road. Therefore at our request additional information detailing the expected vehicle movements onto and from the Ellesmere Road for the entire site has been provided by the applicant.

This development by itself would increase traffic flows on Ellesmere Road during the peak periods by approximately 3.5%, which is likely to only have a marginal impact on the surrounding network. However, if we consider also the additional traffic from the neighbouring committed site at the disused railway siding site, traffic flows could increase on Ellesmere Road in the region of 7-10% and we consider that this is likely to have a noticeable, but not severe impact on the network.

The National Planning Policy States the following with regards to traffic impact and congestion:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

As the main point of impact of this and the adjacent committed site is likely to be at the Chester Street Gyratory, it would be normal practice for us to look to mitigate any impacts through an improvement scheme as a s106 contribution. However, the local highway authority has recently completed a comprehensive improvement scheme at this junction which has provided high quality walking and cycle facilities and has maximised capacity for traffic movements. Also, all of the traffic signal controlled junctions along the Smithfield Road are now linked to a central Urban Traffic Control system which works to maximise the throughput of traffic along this corridor. These improvements have improved traffic flows through the junction as far as is feasible with current available technology and have improved walking and cycle links between the town centre and Ellesmere Road. Therefore further mitigation works here are not achievable and we are of the opinion that the junction can accommodate the additional traffic from this and the adjacent development with causing excessive delays. Any resultant delays from these two developments aren't likely to result in 'severe' congestion, although this is not a defined term.

There is a fine line to be balanced at the Chester Street gyratory, as this junction serves a critical function to provide access to the north of Shrewsbury town centre and Smithfield Road; any further large developments off the Ellesmere Road corridor

(over and above this site and the adjacent committed site) are likely to result in traffic issues at this location which we are unable to manage. Therefore the local highway authority maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a north-west relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury.

We have also considered the impact of additional traffic at the junctions located to the north of Ellesmere Road and along Mount Pleasant Road; inevitably the proposed development and adjacent committed development will lead to some additional traffic using these junctions/routes, but any increases should be minor as the traffic will dissipate across the network.

As an infill site (albeit a green-field site outside the current development boundary) within the urban area of Greenfields, the locality is well served for people to choose to make sustainable trips; with the requested signal controlled crossing point people will be able to safely access the nearby school, bus stops, shop and wider walking and cycle network accessed off Hemsworth Way. The site also provides good opportunities for accessing employment in the north of the town, in the town centre and beyond via the railway station.

Questions have been raised to us over the suitability of the three points of vehicular access to the site off the Ellesmere Road, so the following response has been provided: If the development is permitted we are keen to see some active frontage introduced in order to reinforce the urban nature of Ellesmere Road as this should influence driver behaviour, encouraging sensible travelled speeds in-line with the existing 30mph limit. However, it would not be desirable to introduce new properties directly fronting the Ellesmere Road as this would create many points of conflict and would also likely to result in an increase in people parking on the main road. Therefore the proposed layout to provide two 'secondary' parallel roads provides a good compromise in delivering some visible frontage to integrate the development with Ellesmere Road, yet this arrangement minimises the points of access on to the main road. We understand that the existing hedge is to be removed so the residents of these dwellings will be able to access Ellesmere Road on foot with ease. The appropriate visibility splays for all three accesses have been proposed by the developer.

We understand that in the morning leading up to the school opening and in the afternoon around closing time some people park on Ellesmere Road to drop off and collect their children. There should not be a conflict between vehicles parked here and the proposed access arrangements for the development, however a signalled controlled crossing provided here would introduce parking restrictions on Ellesmere Road in the form of zig-zag markings. A controlled pedestrian crossing is required secured by a s106 contribution on Ellesmere Road to provide a suitable link to the surrounding walking network and nearby bus stops, to ensure the site provides suitable options for sustainable travel in accordance with the NPPF.

A number of discussions have taken place with the applicant regarding the proposed site drainage design and how this relates to the disposal of surface water from the highway; as the proposed combined Surface Water Sewer (SWS) system discharges

to a pond and not a watercourse, we understand that Severn Trent won't adopt this. Also as the proposed SWS combines private water from the dwellings and highway run off, we are unable to adopt the system as a highway drain and we are only prepared to adopt the gullies and connections/SUDS source control features. But as we have a statutory duty to drain the highway (if the roads are adopted), we need to insure that the site SWS is properly maintained for the life of the development. Therefore an obligation is required under s106 of the Town and Country Planning Act requiring the applicant to make arrangements for an on-site SWS management company to maintain the system. Therefore any residents of the site are likely to pay the management company a fee for the disposal of the surface water, instead of paying Severn Trent for this service (although a charge will still be made for the water supply and foul disposal).

4.1.3 **SC Drainage** - No objection to the surface water drainage design in principle subject to planning conditions.

4.1.4 **SC Trees** - Notes the loss of two mature trees on site but accepts the semi mature replacements for them in the open space area. Recommends a condition regarding tree protection measures.

4.1.5 **SC Ecologist**

Badgers - Precautionary measures for badgers have been recommended by FPCR.

Nesting Birds - The site has the potential to support nesting birds.

Bats - Bat activity surveys were conducted on site. No evidence of roosting bats was identified during the survey. The ecologist recommends that trees that have been identified as having bat potential, but having no evidence of roosting bats in the 2013 report, should be re-surveyed before removal. The recommendation in the report should be conditioned on the planning decision. As the site is used by foraging and commuting bats it is important that the site design maintains natural, linear, connecting features for bats.

Great Crested Newts - The pond on site was assessed for its potential to support breeding great crested newts. It scored 0.8 on its HSI and further presence/absence surveys were conducted in line with Natural England's guidelines. No great crested newts were recorded. In order to enhance and protect the site for herptiles, the pond should be retained and protected during the development.

Reptiles - A population of common lizards was identified during the Ecological Appraisal report. In order to enhance the site for herptiles FPCR has recommended that three reptile hibernaculas and four log piles are installed. Details of which should be included in the landscape plan. A method statement, including a destructive search will be adhered to in order to reduce the impact the development may have on herptiles.

Recommends conditions and informatives to be on the decision notice regarding all of the above.

4.1.6 **SC Public Protection** – The noise assessment submitted with the application concludes that noise has the potential to affect future residents where houses face the main road. As a result a glazing specification map is found in the appendix which details the minimum glazing specification required to ensure that proposed habitable rooms are safeguarded from noise. The glazing map is considered to be satisfactory and therefore it is recommended that this is conditioned to ensure that this glazing is installed should this application be granted approval.

With respect to air quality the houses shown on the plan are a suitable distance from the main road. As a result has no air quality concerns and requires no assessment.

No contaminated land issues have been highlighted and no details of any past contamination on the site are held by this service at this moment in time. As a result no contaminated land conditions are necessary on the land proposed for development.

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 and recommends a condition regarding this.

4.1.7 **SC Conservation (Historic Environment)** - The lands subject of this application are not within or adjacent to a designated Conservation Area. Our electronic mapping records also indicate that there are no designated heritage assets within or adjacent to the site area although the 1900 Ordnance Survey mapping layer indicates there may be some non-designated traditional buildings remaining adjacent to the site area, one group known as 'Upper Greenfields' and the other group known as 'Greenfields Farm'. While there are generally no comments on this proposal in terms of its effect on designated or non-designated built heritage assets, my colleagues in the archaeology half of the Historic Environment Team should be consulted in terms of potential archaeological matters within or in the vicinity of this site.

4.1.8 **SC Archaeology (Historic Environment)** - No comments to make on this application with respect to archaeological matters.

4.1.9 **SC Affordable Houses** - The affordable housing contribution pro-forma accompanying the application indicates the correct level of onsite affordable housing provision, we can confirm that the size and tenure proposed at this time meets the demand in the local area and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.1.10 **Shropshire Wildlife Trust** - The ecological credentials of the development would be improved if a broader ecological corridor could be retained along the western boundary adjacent to the railway track. This would help connect the area around the pond with wider countryside and County Wildlife Site to the north. While the current ecological value of the site may be limited planning guidance also seeks enhancements. Also believes that hedgerows have recently been removed from the site. A biodiversity management plan (part of GI management plan?) is required to show how the ecological elements of GI will be maintained.

4.1.11 **Network Rail** - Whilst there is no objection in principle to this proposal, is aware of the proximity of the pumping station, pond and attenuation/soakaway design and would suggest these are situated at least 30m from the boundary. Notwithstanding the above, provides comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land and in order to mitigate the risks recommends that the Developer contacts Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

4.2 - Public Comments

4.2.1 Shrewsbury Town Council - Supports - Whilst the Council is generally supportive of this development, we would ask that the approval is conditional upon the following:

- 1 There are a number of mature trees on site. They should be retained as part of the development and appropriate measures put in place to safeguard them,
- 2 Surface water run-off should be equal to or less than currently exists,
- 3 Sprinklers should be fitted to all new build as a matter of routine

4.2.2 Cllr Dean Carroll: Objects to this application for the reasons summarised below.

- 1 Ellesmere Road and the junctions at Coton Hill and Chester Street are already at or beyond full capacity. The recent junction improvement work carried out at Chester Street was intended to tackle an existing recognised issue of over use of the junction. The extra capacity added was thus not to enable more vehicular movements from the Ellesmere Road but to alleviate the existing issue, it is not therefore sensible to make the acknowledged issue worse again by increasing vehicular movements.
- 2 There are existing drainage issues with the site that this application would not alleviate.
- 3 The land to the West of Ellesmere Road is recognised to be of a more rural character, with linear development and breathing spaces in between, the sole exception being Cedar Close, a cup-de-sac with little more than a dozen mostly bungalows. This development would be out of character with this pattern.
- 4 Ellesmere Road is an important point of entry to Shrewsbury from the north, as is evidenced by the high volume of vehicular movements. The green spaces to the West of Ellesmere Road form important public amenity views of the open countryside beyond.

As the site is outside the development boundary and has only reached this stage due to the lack of a five year land supply, I would expect this application to go to the Central Area Planning Committee for determination and not to be resolved under delegated powers.

4.2.3 24 letters of objection have been received raising the following concerns:

- ☐ The resident of Greenfields Farm considers that the privacy and seclusion that he has enjoyed for over 40 years would be destroyed and that his house would effectively become part of a housing estate and impact on the quiet and peaceful enjoyment of his property. Would like to see a fence or wall erected along his boundary to protect his privacy.
- ☐ Inappropriate development of open countryside and land which is not included as a preferred site allocation
- ☐ The potential loss of significant swathes of Green Space around the Town and the surrounding rural areas and impact on the environment and loss of visual amenity for the clients of the Nursing home opposite
- ☐ Accepts that development is essential for the survival of Shrewsbury but the loss of large and significant areas of Green Space will seriously devalue all aspects of the environment to the detriment of the Town and surroundings
- ☐ The provision of 'new Green Space' accessible to the Public must be regarded as reduced re-provision of Green Space rather than 'new Green Space' as indicated in the Submission
- ☐ The street vista currently proposed for Ellesmere Road will change the current Green Space visible to those using Ellesmere Road on foot and in vehicles. The proposed Public Green Space will have limited visual impact from the existing road as it will be screened by the proposed new houses.
- ☐ This development would occupy a greenfield site spreading a considerable distance from the road and developing upon and preventing public amenity views.
- ☐ This development would be out of character with the existing developments along Ellesmere road that follow the line of the road, with open space between and behind.
- ☐ Inadequate primary and secondary school provision as Greenfields primary school is already heavily over subscribed and future pressures have already been identified on the Secondary Schools throughout Shrewsbury
- ☐ Greenfields Primary School already has large pupil numbers with average class sizes of 30 pupils and would be unable to accommodate the extra children that the proposed development would inevitably bring to the area.

- ❑ The nearest Secondary School is approximately a 30 minute walk away, along one narrow path running alongside the busy Ellesmere Road. There is no path at all on one side of the road for a good long stretch. There are no cycle paths anywhere along the Ellesmere Road including on the route to the nearest Secondary School or into the Town Centre. A large number of children currently travel approximately 3 miles to Secondary School from this area and the bus service is already oversubscribed with no other bus service operators interested in expanding the service.
- ❑ Parking at school times is horrendous as cars are now parking half on the foot path and half on the Ellesmere road / Hemsworth Way (photos provided). This is a dangerous situation that would be compounded by additional vehicles and needs to be urgently addressed before a serious accident happens.
- ❑ Increased volumes of traffic on Ellesmere Road adding to the existing congestion, traffic flows and traffic problems on Ellesmere Road particularly at busy times
- ❑ The current traffic lights at Coton Hill and the ones on the junction with Chester Street and Cross Street cause major tailbacks of traffic along the Ellesmere Road all the way back to the Greenfields school, and additional housing will obviously add to this already unacceptable situation.
- ❑ The County Showground on the Berwick Road host events throughout the year and on these dates residents sometimes have to queue for up to two miles from the northbound direction.
- ❑ The detailed Transport Assessment attached to the Application, based on the Traffic Survey carried out for only a single week in December last year, appears to focus on the design of the new traffic junction serving the development (primarily between the hours of 08:00-09:00 and 17:00-18:00) and not the overall affect on the traffic flows on Ellesmere Road
- ❑ Does not agree that the main access junction onto Ellesmere Road has sufficient capacity to accommodate the traffic that will be generated by the proposal
- ❑ The introduction of the new junction and the private driveways in close proximity to the School entrance will add further pressure on this section of Ellesmere Road and increase the potential dangers associated with school entrances particularly on this major route.
- ❑ The stretch of road where the three additional junctions to serve 75 homes and a crossing will be located already has a road junction to homes and school on Hemsworth way, a road junction to homes and dentist on Ellesmere road, a road junction to homes and Rest home on Lymehurst court and bus stops on either side of the road and there will be too many potential hazards in a very short stretch of already busy road.

- ❑ Does not consider that the proposed 'active frontage' referred to by highways will slow speeding traffic.
- ❑ The provision of a crossing is essential and is supported, but again this is going to affect the traffic flows and possible further congestion on Ellesmere Road.
- ❑ There are no traffic calming measures along Ellesmere Road
- ❑ Additional dwellings should not be allowed on Ellesmere road until the NW relief road is built
- ❑ It is inappropriate to develop land with drainage issues and adjacent to land which already floods and is concerned that building work will compound this problem
- ❑ There is a large amount of un-sold houses in Herongate and fails to understand the need for new estates to be created where there is sufficient housing available in the surrounding area.
- ❑ There is plenty of housing in this area and with new builds already in progress in Shrewsbury that should satisfy the demand for housing
- ❑ Greenfields Dentist is full and cannot accept any more patients
- ❑ The proposed development site is currently productive agricultural land and does not form part of the local plan. The brownfield site at the bottom of Ellesmere Road is part of the plan but questions whether the local infrastructure could support either of these development sites and certainly not both.
- ❑ The north of our town has been dominated by the development of residential and employment and recent housing development includes Coton Hill/Corporation Lane, Greenfield Gardens and Benbow Quay. Further development is unnecessary and needs to be re-balanced by development at other geographical locations. The infilling of all land within the existing residential area is not beneficial to the community.
- ❑ Just because the council can't demonstrate a five year land supply, this development should not be allowed to slip through the loophole that gives speculative developers the opportunity to build on open countryside.
- ❑ Suspects that the only reason this application is recommended for approval is the 'significant financial contribution (over £500,000)' rather than any considered evaluation.

5.0 THE MAIN ISSUES

Principle of development
Sustainable development
Layout, scale, design, character and appearance
Highways/access
Drainage
Impact on residents
Ecology
Trees and landscape, open space and play area
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.'

Paragraph 14 of the NPPF is also relevant and highlights that for decision taking this means:

'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'

6.1.3 The site is currently outside of the development boundary for Shrewsbury and is not proposed to be allocated for housing in the Pre-Submission Draft SAMDev Plan. The site was promoted for inclusion in the Plan but whilst the site was assessed by planning policy officers as being in a sustainable location it was considered to be subject to significant constraints including the large pool on the southern part of the site and the potential impact of additional traffic on Ellesmere

Road/Chester Street. Planning policy officers judged that the land opposite Ellesmere Drive was only a 'realistic' site (in terms of the SAMDev Plan) if traffic impacts could be satisfactorily accommodated/mitigated.

6.1.4 In the absence of a five year land supply a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) is now the most significant material consideration when determining planning applications for housing and takes precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 Sustainable development

6.2.1 The site is situated on the edge of the urban development boundary for Shrewsbury and is in close proximity to the Town Centre, railway station and bus station and is serviced by a regular bus service into town. The site is therefore considered to be in a sustainable location with regards to accessibility and proximity to essential services and facilities within the Town Centre. However the NPPF considers that sustainable development' isn't solely about this but 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.*

6.2.2 Economic role – The proposal will help boost the supply of housing in Shrewsbury and will provide employment for the construction phase of the development supporting the building, construction and associated industries. The provision of more homes will create a stimulus to the economy and address the housing

shortage. The proposal will also make a significant financial contribution (over £500,000) towards infrastructure provision (including the strategic road network, town-wide and local highways network, pedestrian crossing, sustainable transport, education, and on site public open space and play facilities) both through a combination of CIL and S106 Agreement payments.

6.2.3 Social role – The proposal will help boost the supply of market housing and also provide 8 affordable houses on site. The proposal also includes the provision of a large area of public open space and on site play provision for the benefit of present and future generations.

6.2.4 Environmental role – The site is a field with no heritage, cultural or ecological designation. The proposal would have no adverse impact on protected wildlife as the pond (which is the main feature of ecological value) and the majority of the mature trees will be retained. The proposal will provide landscape and ecological enhancements including future maintenance of the pond and open space, additional tree planting the creation of species rich grassland, additional native species planting throughout the site and along the western boundary and the installation of reptile hibernacula, log piles, bat boxes and bird boxes. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to all essential services and facilities on foot or by cycle or by public transport.

6.2.5 It is therefore considered that the proposal represents sustainable development in a sustainable location having regard to the three dimensions of sustainable development and that it is an appropriate site for residential development subject to a satisfactory layout, scale and design and that there would be no adverse impacts as a result of the proposal.

6.3 **Layout, scale, design, character and appearance and visual impact**

6.3.1 The site is an agricultural field currently classed as open countryside and the proposal will obviously result in the loss of part of this green field to built development. The majority of the objections to the proposal, in addition to highways issues, have been to the loss of this field and that the development of large areas of green space will be detrimental to the environment and public amenity views of the site. Environmental and ecological issues will be considered in 6.7 and 6.1.0 below. There is no right to a view from private properties but public views are a material consideration. A landscape and visual assessment has been submitted to determine the likely effects of the proposed development on the existing landscape and the views and visual amenity experienced by residents, recreational users, pedestrians and road users.

6.3.2 The site is enclosed by the railway and embankment to the West, an access lane and housing to the North, Ellesmere road and built development to the East and a field and residential development to the South The proposed site is not publically accessible, has no heritage, cultural, ecological or landscape planning designation and with no rare or distinctive features and limited levels of tranquillity it is considered to be of low landscape and visual amenity value. Public views of the site are limited and views from vehicles using Ellesmere Road and views of the

site for pedestrians are restricted by the existing boundary hedge. This is proposed to be removed and replaced with a hedge managed at a height of one metre with the proposed houses set behind a private drive fronting the road. The proposed dwellings that will face Ellesmere Road are large detached dwellings of a traditional design set within individual plots which is characteristic of the dwellings facing the site and facing Ellesmere road on both sides to the North of the site. It is therefore considered that the scale design and appearance of the dwellings fronting Ellesmere Road is appropriate and will provide an attractive street frontage.

6.3.3 The proposal includes the provision of a large area of public open space which will provide a green link to the areas of existing tree and woodland planting on the South West boundary and a green corridor link to the wider countryside to the North West. Although the proposal will result in the loss of a green field it is considered that this field does not provide important amenity views of the countryside when approaching Shrewsbury along Ellesmere Road as a sense of being within the urban area of Shrewsbury has already been established by the large areas of residential development to the East and residential development to the West immediately North of the site. The visual amenity of the site is mainly restricted to private views by residents, and as a large proportion of the site will remain as managed publicly accessible green space available to the public to access and enjoy it is considered that the benefit of the proposal far outweighs the loss of this agricultural field and green space on the edge of the urban boundary of Shrewsbury.

6.3.4 Some comments have been received from local residents concerned that the proposal would be out of keeping with the character and pattern of existing development which they consider to be predominantly linear and facing Ellesmere Road. As outlined in 6.3.2 above the proposed dwellings that will face Ellesmere Road are large detached dwellings of a traditional design set within individual plots that will provide an attractive street frontage that would compliment the existing development. The design and layout of the remainder of the site has been informed by the topography of the site and the pond in the South West corner. The houses within the site are of a higher density houses and comprise a mix of size and design of houses that reflect the local architectural vernacular. Apart from the houses facing Ellesmere Road the site will be accessed via a single estate access road and all internal roads will have front facing elevations and the open space will also be overlooked by the fronts of dwellings providing natural surveillance. The proposal provides easy pedestrian access to the proposed open space and provision for potential links to the adjacent site and the town centre. It is considered that the layout, scale and design of the proposed development is acceptable and would have no adverse impact on the character and appearance of the locality.

6.4 Highways/access

6.4.1 Access to the site will be via a main access of Ellesmere road and two additional accesses either side to serve the houses that will front Ellesmere Road. Highways has no objection to the proposal subject to a planning condition regarding the access road and works to the highway and a S106 to provide a pedestrian

crossing and to ensure adequate arrangements are made for the ongoing management and maintenance of the on-site surface water drainage system. (Drainage will be considered in 6.5 below). A controlled pedestrian crossing will provide a suitable link to the surrounding walking network and nearby bus stops, to ensure the site provides suitable options for sustainable travel in accordance with the NPPF. The site is well served for people to choose to make sustainable trips as people will be able to safely access the nearby school, bus stops, shop and wider walking and cycle network accessed off Hemsworth Way. The site also provides good opportunities for accessing employment in the north of the town, in the town centre and beyond via the railway station.

- 6.4.2 The proposed accesses will provide adequate visibility splays in both directions so that vehicles will be able to enter and leave the site safely. Concern has been raised that the two additional accesses in addition to the main access so close to existing accesses on the other side of the road will result in highway safety issues in this area. However as visibility is good and the addition of housing and accesses fronting the highway has the effect of slowing traffic the proposal is considered beneficial by Highway Officers and amendments to have them omitted and the layout revised have not been sought.
- 6.4.3 Local residents are also concerned that parked vehicles on Ellesmere Road near to the junction with Hemsworth Way during school drop off and pick up times would conflict with the proposed access arrangements. However the proposal includes the provision of a signalled controlled crossing which would also have the added benefit of introducing parking restrictions on part of Ellesmere Road in the form of zig-zag markings. It is therefore considered that the proposal would not result in any highway safety issues in the proximity of existing junctions onto Ellesmere Road.
- 6.4.3 Significant objection received from residents relates to the additional vehicles and increased congestion as a result of the proposal on an already congested road and the junctions at Coton Hill and the Chester Street/Castle Street gyratory. Additional information has been received regarding the expected vehicle movements onto and from the Ellesmere Road for the entire site and have confirmed that the development by itself would increase traffic flows on Ellesmere Road during the peak periods by approximately 3.5% and consider that this is likely to have only a marginal impact on the surrounding network. However when combined with the additional traffic from the neighbouring committed site at the disused railway siding site Highways consider that traffic flows could increase on Ellesmere Road in the region of 7-10% and although this is likely to have a noticeable effect it would not have a severe impact on the network. In addition the Highways Officer considers that although the proposed development (combined with the committed adjacent development) would also lead to additional traffic at the junctions located to the north of Ellesmere Road and along Mount Pleasant Road any increases would be minor as the traffic will dissipate across the network.
- 6.4.4 The NPPF advises that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" Recent improvements at the Chester Street gyratory have improved traffic flows through the junction as far as is feasible and have improved walking

and cycle links between the town centre and Ellesmere Road. Therefore further mitigation works are not achievable but Highways consider that the junction can accommodate the additional traffic from this and the adjacent development without causing excessive delays and that any resultant delays from these two developments aren't likely to result in 'severe' congestion. Although planning officers are aware of the local concern and acknowledge that this proposal will result in some additional traffic and congestion it is not considered that this will be severe and members are strongly advised that additional traffic and congestion is not a sound reason for refusal as this could not be defended at appeal. However any further large developments off the Ellesmere Road corridor (over and above this site and the adjacent committed site) are likely to result in traffic issues at this location which the Highway Authority would be unable to manage. Therefore Highways maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a North-West relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury.

6.5 Drainage

- 6.5.1 Foul drainage will be to the main sewer and the combined surface water sewer (SWS) system will be discharged to an infiltration soakaway trench with an overflow to the existing pond. As this is not to a watercourse Severn Trent Water won't adopt this and as the proposed SWS also combines private water from the dwellings and highway run off Highways are unable to adopt the system as a highway drain and are only prepared to adopt the gullies and connections / SUDS source control features. However as Highways have a statutory duty to drain the highway (if the roads are adopted), and in order to insure that the site SWS is properly maintained for the life of the development a S106 obligation is required to secure an on-site SWS management company to maintain the system. Therefore any residents of the site are likely to pay the management company a fee for the disposal of the surface water, instead of paying Severn Trent for this service.
- 6.5.2 Drainage previously requested that the adjacent land owner (Network Rail) is consulted regarding the potential increased fluctuation in the existing pond level (which is adjacent to the railway embankment) due to its use as an overflow. Network Rail have been consulted by both the applicant and Shropshire Council and they have no objection to the proposed surface water drainage system but suggest that the pond, pumping station and attenuation / soakaway design to be at least thirty metres from the boundary. The pond is an existing feature but the infiltration trench (soakaway) will be more than thirty metres from the boundary. The pumping station will be ten metres from the site boundary but the applicant has confirmed that it is positioned so that it will not compromise Network rail land in anyway. The submitted FRA and proposed drainage details confirms that the landowner to the South will not be affected by the proposal and that only events greater than the 30 year return rainfall event will feed into the pond.
- 6.5.3 Shropshire Councils drainage engineers have now agreed that the surface water drainage strategy and layout are acceptable in principle subject to conditions to demonstrate that the new surface water drainage, including highway gullies are capable of receiving 30 year return rainfall events and to ensure that the design

has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers.

6.6 Impact on residents

6.6.1 The only properties that this proposal will be in close proximity to are 139 Ellesmere Road to the North and Greenfields Farm that is accessed via a private lane running along the Northern Boundary of the site. The resident of Greenfields Farm considers that the privacy and seclusion that he has enjoyed for over 40 years would be destroyed and that his house would effectively become part of a housing estate and impact on the quiet and peaceful enjoyment of his property. However it is considered that the proposed houses in the North West corner of the site are far enough away not to appear obtrusive or result in overlooking and a loss of privacy. The occupier has requested that he would like to see a fence or wall erected along his boundary to protect his privacy and amended layout plans have been received that reflect this. 139 Ellesmere Road is a large semi-detached house situated to the North of the proposed dwelling on plot number one in the far North East corner of the site. The only first floor window in the side elevation of this proposed house will be an obscure glazed bathroom window. The proposal would therefore not result in overlooking of this property and due to the distance between the existing and proposed, separated by the access lane, the development would not appear overbearing or obtrusive to this property. A letter had been received on behalf of the clients of the nursing home opposite the site about the loss of visual amenity due to the built development in place of the existing view of an open field that the residents currently enjoy. However there is no right to a view and it is considered that the design of the dwellings fronting Ellesmere Road provide an attractive street frontage.

6.7 Ecology

6.7.1 An Ecological Appraisal produced by FPCR indicates that no protected species were identified during the survey (including badgers, bats and great crested newts) and that the site predominantly consists of managed arable land offering limited diversity and ecological value. The hedgerow along the eastern boundary is to be removed and reinstated with mixed native species planting. FPCR consider that following re-planting of hedgerows that in time there will be no net loss of this habitat and in the long term will provide a higher quality resource for local wildlife along these corridors through the inclusion of complementary ground flora planting and a wider variety of native species within the hedgerow. Additional enhancement for biodiversity will therefore be provided within the proposed development with the creation of species rich grassland, additional native species planting throughout the site and along the western boundary and the installation of reptile hibernacula, log piles, bat boxes and bird boxes. The green corridor along the Western boundary with the railway will therefore be maintained and enhanced. FPCR also recommend precautionary measures of working for badgers, that the two trees to be removed should be surveyed for bats prior to their removal and that the pond should be retained and protected during the development, in order to reduce the impact the development may have on herptiles. The conditions and informative(s) suggested by the Councils Ecologist in relation to the above should be included on any approval. Subject to these conditions the proposal will not

cause an offence under the Conservation of Habitats and Species Regulations and it is considered that the proposal will provide positive ecological enhancements of the site.

6.8 Trees and landscaping, open space and play area

6.8.1 The proposal includes the removal of the hedgerow along the Eastern boundary with Ellesmere Road and the removal of two trees (T4 and T5, situated to the far West of the site). The Tree Officer was initially concerned about the loss of two mature trees as a result of the proposal, but now accepts the semi-mature replacements to be planted in the open space area and recommends a tree protection condition for the trees to be retained. The two trees to be removed are not obviously noticeable from publically accessible land and the more prominent trees on the site (those to the east and closest to the main road) are to be retained. The loss of two trees and the hedgerow at the front of the site will be more than compensated for by proposed new planting including over sixty new trees as part of the landscaping of the proposed development and a replacement hedgerow comprising a mix of native species hedging plants and five trees fronting Ellesmere Road. It is considered that the proposed landscaping and tree planting and the provision of a large area of open space will provide positive enhancements to the site. The landscape design also includes a two metre high boundary fence with Network Rail land to the West and perimeter boundary fencing to the North adjacent to the private access lane to Greenfields Farm to include a close boarded fence erected inside the existing boundary treatments to address the concerns of the residents of Greenfields Farm.

6.8.2 The amount of Public Open Space (POS) proposed, including amenity open space and natural/semi-natural open space, is in accordance with the Interim Planning Guidance and also includes an equipped play area. The Town Council have indicated they would be willing to adopt the POS and play area and would be a signatory to the S106 Agreement for future maintenance. The applicants have met with the Town Council and following discussions the landscape and play area drawings have been updated in order to address the following requirements of the Town Council:

- ☐ Two surfaced footpaths in the play area (entrance location to the North East revised)
- ☐ Simplified play area design removing play logs and boulders
- ☐ All play equipment to be metal based
- ☐ Trees moved away from play area boundary to avoid leaf fall
- ☐ Trees within POS areas ringed with bulb planting
- ☐ Removal of 1 bench within the play area
- ☐ Removal of all benches within POS areas
- ☐ Provision of drop kerb to allow maintenance access to the POS

It is considered that the proposed landscape design including open space and play provision is acceptable and its long term management and maintenance can be secured.

6.9 Developer contributions / S106 and CIL

- 6.9.1 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 package of total costs for the delivery of infrastructure for the site has been identified to be £507,251, with the overall contribution being £591,355 (subject to finalisation) 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:	£100,100
Contribution to town-wide highways network and sustainable transport:	£82,500
Contribution to local highways network (including Section 278 works):	£50,000
Education contribution:	£149,651
On site play facilities and maintenance:	£125,000
Total:	£507,251

The infrastructure contributions would be provided through a combination of CIL and S106 Agreement payments. The costs of the provision and future management and maintenance of the on site open space are separate and additional but the Town Council have confirmed that they are willing to adopt and be responsible for the future maintenance of both the play area and open space and this will also be secured by the S106 agreement. The on site affordable housing provision of eight houses (the size and tenure of which meets the demand in the local area) satisfies the provisions of the Type and Affordability of Housing SPD and will also be secured via the S106 agreement. In addition in order to ensure that the sites surface water drainage system is properly maintained for the life of the development the S106 will also require the applicant to make arrangements for an on-site management company to maintain the system.

6.10 Other Matters

- 6.10.1 Local residents are concerned that the School does not have capacity to accommodate additional children as a result of this proposal. However the education authority has to provide school places for all children and the applicant is providing a financial contribution of almost £150,000 towards education.

6.10.2 Public Protection have confirmed that the site has no contamination land issues, that there are no air quality concerns and that the proposed glazing to safeguard habitable rooms from noise from the road is acceptable and a condition will be imposed regarding this. A condition will also be imposed to ensure the properties are ready for EV charging points.

7.0 CONCLUSION

7.1 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 due to its proximity to Shrewsbury and excellent Public Transport links and opportunity for cycling and walking. The development will therefore not result in over reliance on the private motor car and it would help significantly in boosting the housing supply for Shrewsbury. It is acknowledged that this proposal will result in some additional traffic and congestion but it is considered that this will not be severe and is not a justifiable reason to refuse this application. 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. The proposal will result in the loss of a green field but this is not protected and the proposal will provide a significant amount of managed landscaped open space and additional tree planting which will be available to the public to access and enjoy. The proposal also includes 8 affordable houses on site and will also provide a significant financial contribution (over £500,000) towards infrastructure provision (including the strategic road network, town-wide and local highways network, pedestrian crossing, sustainable transport, education, and on site public open space and play facilities) both through a combination of CIL and S106 Agreement payments.

7.2 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 on site affordable housing and additional developer contributions outlined in 6.9 above.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

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

11. Additional Information

List of Background Papers: File 13/05124/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member : Cllr Dean Carroll
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until detailed surface water drainage details (to include drainage layouts, sections, construction details and micro drainage calculations) have been submitted to and approved in writing by the LPA. The submitted details must demonstrate that the new surface water drainage, including highway gullies are capable of receiving 30 year return rainfall events. The approved details shall be implemented prior to the first occupation of the development

Reason: To ensure adequate surface water drainage is achieved from the development.

4. Prior to the commencement of the development a contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

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

5. Prior to the commencement of the development full engineering details of the new access road, existing highway/road works, traffic calming scheme, 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.

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

6. All trees and hedges which are to be retained in accordance with the approved plans shall be protected in accordance with the BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. This shall include establishing a Root Protection Area (RPA) around each tree enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.

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

7. All hard and soft landscape works shall be carried out and maintained in accordance with the Landscape Management Plan (Apr 14 REV B) and approved landscape plans (BIR.4379-11D, 12B, 13D and 14D) and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The approved landscape works shall be carried out prior to the occupation of any part of the development or in accordance with a 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 and the provision of amenity and biodiversity afforded by appropriate landscape design.

8. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Appraisal conducted by FPCR (December 2013).

Reason: To ensure the protection of Herptiles.

9. Any external lighting on the site 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. The bat boxes and tubes, bird boxes, hibernacula and log piles as indicated on the Management & Enhancement Strategy (Figure 13) shall be erected on site prior to the first occupation of the dwellings hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To provide ecological enhancement of the site and to ensure the provision of nesting opportunities for wild birds and provision of roosting opportunities for bats which are European Protected Species.

11. Prior to the first occupation of the dwellings on plots 1 to 7 and 65 to 71 glazing shall be installed in accordance with the recommendations and glazing map within the 'Environmental Noise Assessment and vibration analysis (Dec 13).

Reason: To safeguard habitable rooms from noise from the road

13. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. The approved details shall be implemented prior to the first occupation of the development.

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

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

14. The first floor bathroom window in the North facing elevation of Plot 1 shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

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



Committee and date

Central Planning Committee

29 May 2014

Item

9

Public

Development Management Report

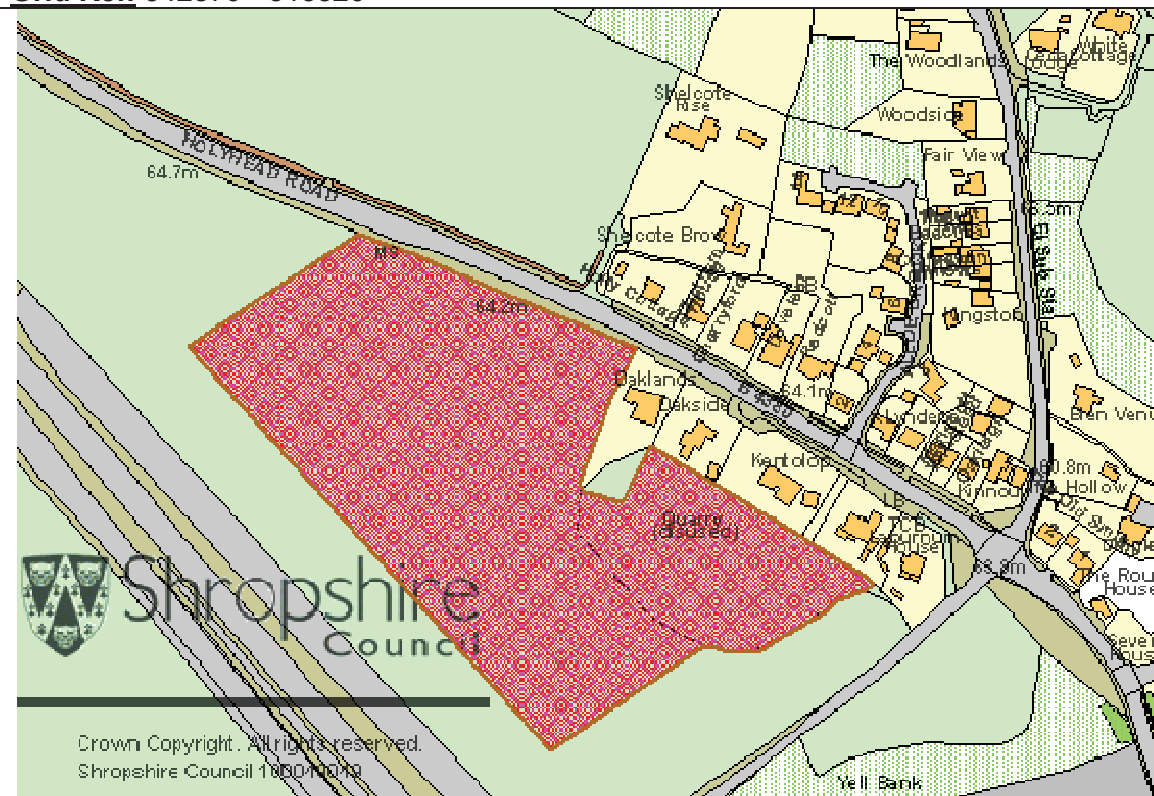
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/00518/OUT	Parish:	Montford
Proposal: Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure		
Site Address: Development Land Adj Oaklands Holyhead Road Montford Bridge Shrewsbury Shropshire		
Applicant: Morris Property		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 342879 - 315526



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

Recommendation:- Grant delegated powers to the Area Planning Manager / Principal Planning Officer to issue permission subject to:

- a Section 106 legal agreement to secure affordable housing in accordance with the prevailing rate at the time of the submission of the Reserved Matters application in accordance with the Type ad Affordability of Housing SPD, and
- to the conditions set out in Appendix 1.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning application for the residential development of the application site, to include details of the access and layout arrangements. All other matters of appearance, landscaping and scale are to be reserved matters. The amended submitted site layout plan shows a total of 34 houses proposed; containing a mixture of detached and semi-detached houses accessed Holyhead Road, the B4380 that runs through the village.
- 1.2 Outline planning permission (Ref 13/00464/OUT) has previously been granted for part of the area covered by this application site for the erection of 5 detached dwellings with garages. The approved layout for this permission shows the 5 dwellings running along parallel to the Holyhead Road, served by a private shared driveway with its junction situated roughly in the same position than that now proposed for the access onto the current application site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is an existing arable field located to the south of Holyhead Road, the B4380 that runs through Montford Bridge. The site consists of open countryside used in connection with farming and lies between the B4380 and the A5 bypass with part of the site located to the south of the existing houses that run along the southern side of Holyhead Road. The site slopes upwards from Holyhead Road in a south westerly direction towards the A5. The current use of the site is agricultural with part of the site subject to historic extraction of sand and gravel.
- 2.2 Montford Bridge has a public house and a regular serviced bus route. Montford Church and village hall are located to the south of the A5 bypass. Bicton is located around 1 mile from Montford Bridge and contains a church, village hall, school and recreation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Montford Bridge 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 in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 **Community Representations**

4.1 **- Consultee Comments**

SC Trees – Comments/No objection

There is a significant tree present on or adjacent to the site on the boundary with The Oaklands. The development of this land has the potential to impact upon this tree, including the possibility of damaging it to a point that it cannot be safely retained and/or create a situation whereby the tree affects or exerts an influence over the proposed development in the longer term.

Raise no objections to the revised layout. If there are any amendments to the layout that re-instate any housing or development close to this tree then assessment of the potential impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment will be required in the form of an Arboricultural Assessment, prepared in accordance with BS 5837: 2012.

SC Drainage – No objection

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

SC Highways Development Control – No objection

The highway authority raises no objection to the granting of consent subject to the attachment of conditions and informative(s).

Background:

Early discussions took place with the applicants transport consultant over the location and suitability of the proposed access, to which we have no objection. As the B4380 Holyhead Road was once the A5 trunk road, the construction of this road is of a sufficient standard to accommodate the proposed development.

Note the inclusion of walking route connections with the village, so people will be

able to gain convenient access to the nearby bus stops and pub. A continuous footway connection is also available to Shrewsbury for those willing and able to walk the distance of approximately 4km.

As the access roads are to be offered for adoption under s38 of the Highways Act 1980 an agreement will be required with the local highway authority and the proposed works will require technical approval prior to commencing on site.

SC Conservation (Historic Environment) – No objection

Background to Recommendation:

The settlement of Montford Bridge is not a designated Conservation Area. There are no statutorily listed buildings within the site boundary however immediately adjacent to the northerly site boundary our mapping indicates that there is a Grade II listed early 19th Century tooled granite Milestone alongside the Holyhead Road which would need to be protected during any site works and which any proposed new entrances should avoid. Efforts to minimize disruption to the continuous hedge along highway boundary should also be made.

Principles of Scheme:

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF).

RECOMMENDATION:

Generally no objection subject to the comments made above.

SC Ecologist – no objections

Recommendation:

From what can be seen of the ditch that runs to the north of the Holyhead Road, it is likely to have water flowing along it throughout the year and therefore unlikely to support great crested newt breeding. The lack of other ponds in the vicinity and the existence of the road between the ditch are also considerations. In this particular situation a survey of the ditch is not required but it is recommended that an informative to cover the unlikely possibility of GCN turning up on the (arable) application site.

Bats

Worsfold (2014) reports that the oak tree adjacent to the existing house at the north east side of the site (probably Oaklands) is suitable for use by bats. Worsfold (2014) recommends further surveys between May and September to establish

whether this tree is being used by bats.

The revised Proposed Site Layout Rev E indicates no development close to this tree and unless this changes there is unlikely to be an impact on any bat roosts which could be in the tree.

No information is presented on bat activity along the hedgerows and the former quarry. Considering that the River Severn is only around 100m to the south of the application site, I would expect the boundary features to be used for bat foraging and commuting. The suggested condition and informative are therefore recommended.

Nesting birds

Trees bordering the site have potential for nesting birds. The suggested condition and informative are recommended.

SC Affordable Houses - no objection

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

The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted.

Montford Bridge Parish Council – Objection

Montford Bridge Village Extension 14/00518/OUT 35 houses by Oaklands: (or 30 excluding the first 5) as requested by Cllr Tricia Jones the Clerk read out some of the various emails of OBJECTION to the plan. By majority vote: 4 for; 2 abstained: MPC strongly OBJECTS to this application for the following reasons:

a.

The plan is NOT sustainable because there is insufficient infrastructure in the

village to support 35 houses.

b.

The local primary school is already overcrowded and an influx of extra pupils would have an adverse effect.

c.

35 new houses would create "housing shock" that would have an adverse effect on the present community.

d.

It is contrary to Montford Parish Council's Montford Housing Strategy MHS 127 for just 10 houses in and around Montford Bridge West of the River Severn and with no more than FIVE houses on any one site and this strategy is soundly based on MPC's democratic response to SC's long-running SAMDev consultations.

e.

MPC had acted very fairly in supporting the original proposed five houses but 35 houses are far too many.

4.2 - Public Comments

Two letters of objection summarised as follows:

The number of houses is way in excess of the number set out in the Montford Parish Plan; too many houses being proposed; 3 new properties have already been completed in the village in the last 12 months; the scheme does not reflect the local community needs as identified through the SAMDev consultation process; as part of the SAMDev consultation process, the preferred option for Montford was for a 'cluster' for no more than 5 houses, this proposal was based on a sustainable approach, at the same time supporting Shropshire's Housing needs allocation, the current application is contrary to this proposal; no impact assessment or any evidence base to prove the proposal is sustainable has been put forward, contrary to Policies CS1, CS6, CS8 & CS15; the access should be situated further away from the existing properties to minimise any impact on the nearby existing residents; the houses opposite Holly Cottage should be moved or deleted from the scheme to allow for a hedge to be planted and for sufficient space to be given around the existing oak tree that is covered by a TPO; disappointed to see houses with their rear elevations facing Holyhead Road, this does not reflect the positioning all the other houses along the roadside; there has been a significant increase in vehicular traffic using Holyhead Road in the last 10 years, many not following the 30mph speed limit, concerned regarding road safety by a significant raise in road use on top of this from the development; potential pressure on the junction between the B4380 and the A5;

5.0 THE MAIN ISSUES

Principle of development

Layout & Open Space

Access
Ecology and Environment
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.

6.1.2 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless

1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

2) specific policies in the NPPF indicate that development should be restricted.

6.1.3 With regards to housing development paragraph 49 of the NPPF is relevant and states that:

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

and that

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

6.1.4 The five year housing land supply statement (amended version 20/09/2013) sets out Shropshire Council’s assessment of its supply of housing land over the next five years. On this basis, the Statement shows a supply of only 4.95 years for Shropshire. Whilst this is the case the starting point for consideration of housing proposals will remain with the Development Plan but these current applications

should still be determined in the context of the NPPF's presumption in favour of sustainable development and its aim of boosting housing supply.

- 6.1.5 The application site in this case is located on the edge of Montford Bridge, in open countryside in terms of planning policy, with policy CS5 of the Core Strategy applying. Core Strategy Policy CS4 is also relevant as Montford Bridge is proposed to be a Community Cluster Settlement in the Pre-submission Draft SAMDev Plan published on 17th March 2014. No development boundary is proposed for Montford Bridge. Policy S16.2 of the Pre-submission Draft SAMDev Plan proposes guideline 10 additional dwellings for the village for the period 2011-2026. Outline planning permission was granted in 2013 for 5 dwellings on part of this site with Parish Council support.
- 6.1.6 However in the absence of a five year land supply proposals must be assessed in the context of the NPPF as outlined above. As such the key factor in determining this application is the assessment of whether the proposal would represent sustainable development and whether the adverse impacts of granting permission would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.1.7 Montford Bridge is a close knit community predominantly situated to either side of the B4380 Holyhead Road that runs through the village. There are available some services within the village that primarily consists of a public house with other services in the locality including a primary school at Bicton and a church and village hall nearby at Montford. The village is also serviced by a regular bus service between Shrewsbury and Oswestry. Although the site is located at the south western end of the village it is considered that all of these services are within walking distance or easy access 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.
- 6.1.8 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.

- 6.1.9 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide opportunity for local employment for the construction phase of the development supporting local builders and building suppliers. The provision of thirty four 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.
- 6.1.10 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. The Parish Council has raised concerns regarding the number of 34 dwellings proposed and how this will integrate with the existing community, but additional housing will provide opportunity for increased support and use of existing village services and may even provide an increased demand for further service provision. Utilising the 2011 Census data the proposed 34 dwellings would represent an approximate 15% increase in the number of households in the Parish. It is not considered that this level of increase could be considered to be detrimental to the existing community of the village and Parish. No objections to the application have been made by the Council's Learning & Skills Department and the CIL payable on such a scheme will provide some contribution towards community facilities which may include school place provision.
- 6.1.11 Environmental role – The site forms part of a larger arable field with no official 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 hedges, trees and planting located at its periphery and within the area that formed part of the former quarry. These may be retained and enhanced with additional landscaping and on the submitted layout plans the former quarry area is shown to be retained as public open space. 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 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 and Oswestry.

6.1.12 Any adverse impacts of the proposed housing development that might significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole will be discussed in the following paragraphs below.

6.2 Layout & Open Space

6.2.1 Layout Design – The proposed layout of the site shows the vehicular access to the site located towards the south eastern end of the frontage onto Holyhead Road. The internal proposed roadway branches into three cul-de-sacs with defined boundaries in between each group of houses. The eastern part of the site consists of the proposed open space, utilising the former quarry remains. This layout ensures that all of the new housing is set away from the rear gardens and elevations of the existing properties along Holyhead road, and although the land levels within the site rise in a south westerly direction this degree of separation is considered not to create any opportunity for any significant loss of privacy for existing residents. The proposed layout also allows for the retention and possible supplementation to the existing roadside hedgerow/boundary to the site.

6.2.2 Open Space Provision - Shropshire Core Strategy Policy CS6 requires all development to achieve local standards for the provision and quality of open space, sport and recreational facilities. The local standards are set out in the Open Space Interim Planning Guidance (IPG) as 30sqm per bedroom. Within the overall open space requirement the IPG (para 4.7 – 4.9) outlines that 'recreational spaces' should be provided. Generally these recreational spaces need to be a minimum of 2,000m² in order to be functional.

6.2.3 Using the submitted layout plan as a guide this scheme provides 125 bed spaces which equates to a requirement for 3750m² of open space. The scheme proposes approximately 7800m², which includes the open area that is shown to be landscaped as open space covering the former quarry site. It is acknowledged that the recreational space provision is therefore above the IPG requirements. This open space is also proposed to provide a pedestrian link through to the Holyhead Road, into the centre of the village.

6.2.4 Paragraph 2.6 of the Open Space IPG states that the equipping of and maintenance of the equipment, of open spaces with formal play equipment will be through use of CIL receipts. The maintenance of the amenity green space will be controlled by condition by requiring a landscape management plan prior to occupation of the houses.

6.3 Access

6.3.1 No objections have been raised to the application from this Council's Highways Officers who consider that the A5, a former trunk road, is of a sufficient standard to accommodate the proposed development. The Highways Officer has noted that as the proposed roadways within the development are to be offered for adoption then

a section 38 agreement will be required separate to any planning permission granted.

6.4 Ecology & Environment

6.4.1 The Council's Ecologist has considered the submitted amended plans and has made no objections to the application subject to the use of conditions to protect existing wildlife. The Council's Tree Officer has noted that the revised plans show any development set further away from the Oak Tree that is subject to a Tree Preservation Order, adjacent to Oakfield's and makes no objections.

6.5 Drainage

6.5.1 Shropshire Council Flood and Water Management Team have made no objection to the application and consider that the submitted Flood Risk Assessment information is acceptable subject to conditions requiring confirmation of details relating to soakaways, finished road levels and driveway surfacing.

7.0 CONCLUSION

7.1 It is appreciated that approving this development would be contrary to the Parish Council's site allocations for the village of Montford Bridge 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 development within the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. The detailed appearance, landscaping, 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 Montford Bridge 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 Bicton 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:

- 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:
CS4, CS5, CS6, CS8, CS9, CS11, & CS17

RELEVANT PLANNING HISTORY:

13/00464/OUT Outline application for the erection of 5 no. detached dwellings and garages (to include access, layout and scale) GRANT 6th December 2013

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 David Roberts

Appendices

APPENDIX 1 - Conditions

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

1. Details of the appearance, landscaping 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Prior to the commencement of the development on site full engineering details of the new access road, existing highway/road works, traffic calming scheme, 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.

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

5. No development shall take place until a soakaway test(s) has been carried out 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, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development.

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

6. No development shall take place until a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site, has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure that any such flows are managed on site and to avoid flooding.

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

7. 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 first dwelling. The landscape plan shall be carried out as approved and retained thereafter.
Reason: To ensure the long term maintenance of the amenity green space.
8. A total of 5 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.
Reason: To ensure the provision of nesting opportunities for wild birds
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. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email:

snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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 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. 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 and Greywater recycling system.
6. 'Consent is required from the service provider to connect into the foul main sewer
7. 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).

Mature trees bordering the site should be assessed for bat roost potential prior to any removal of deadwood or other tree works as described in The Bat Conservation Trust's Bat Surveys - Good Practice Guidelines (2nd Edition 2012). 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.

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 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 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. 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.

Conditions and informatives are recommended on bats and birds.

10. A section 38 agreement is required for the proposed new estate roads.

-

This page is intentionally left blank



Committee and date
 Central Planning Committee
 29 May 2014

Item
10
 Public

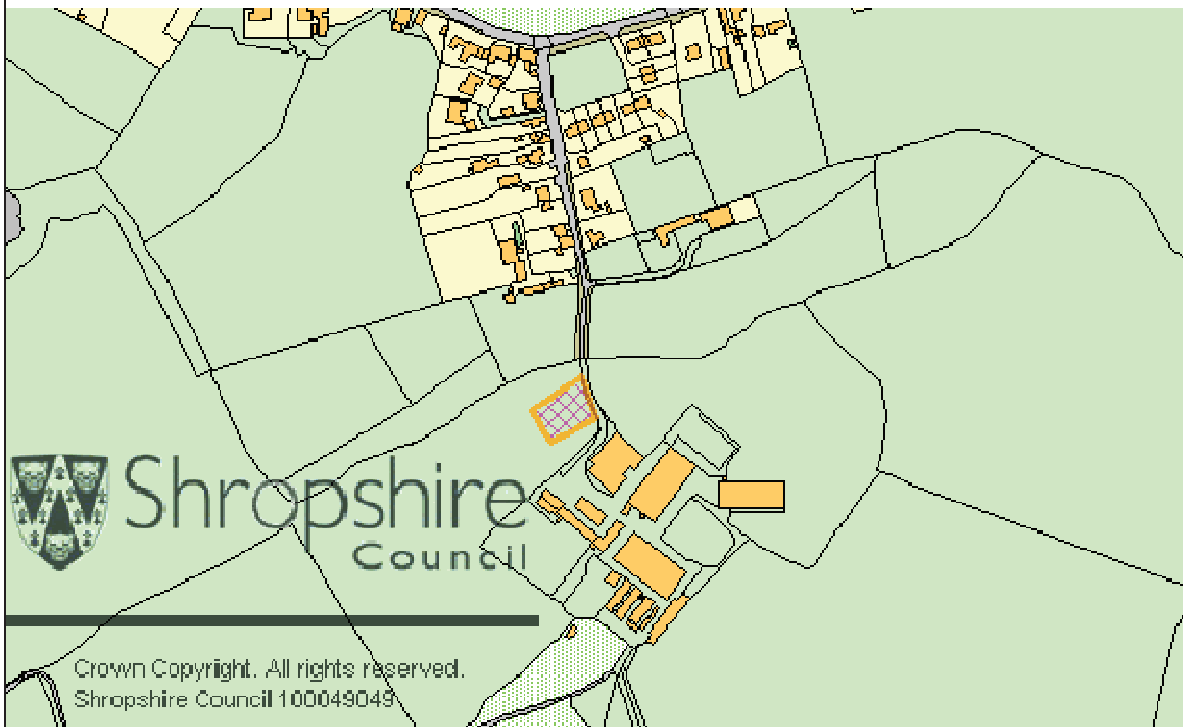
Development Management Report

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

Summary of Application

Application Number: 14/00629/OUT	Parish:	Alberbury With Cardeston
Proposal: Outline application for the erection of a single detached dwelling to include access		
Site Address: Proposed Dwelling Adjacent Lower Wigmore Farm Wigmore Lane Wattlesborough Heath Shrewsbury Shropshire		
Applicant: Mr & Mrs Jonathan Stokes		
Case Officer: Steve Drury	email: planningdmc@shropshire.gov.uk	

Grid Ref: 335465 - 311427



Crown Copyright. All rights reserved.
 Shropshire Council 100049049

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

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a Section 106 agreement requiring a financial contribution towards local needs affordable housing in accordance with Policy CS11 of the Core Strategy.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline permission for the erection of an open market, detached dwelling on land at Lower Wigmore Farm, Wattlesborough. The application includes a consideration of access with all other matters reserved for later consideration.
- 1.2 The proposal is a resubmission of a previous application for the same development under planning permission reference 13/01612/OUT which was refused on 30th August 2013.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Lower Wigmore Farm is located to the south of the settlement of Wattlesborough Heath from which it is separated by two fields and a distance of approximately 100m. It is accessed via Wigmore Lane which extends south from the centre of the village. Wigmore Lane has residential properties located along its length on both sides.
- 2.2 The application site comprises a parcel of the southernmost of the two fields which separate the farm from the village. A post and rail fence separates the site front the access drive to the farm.
- 2.3 The nearest neighbouring properties are Mansfield, Rose Cottage and Hill View which are all located approximately 95 to 100m to the north of the site. Lower Wigmore Farm is located immediately to the south of the site and is a working farm with a mixture of traditional brick and modern agricultural buildings surrounding the main farmyard.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with Part 8 of the Shropshire Councils Scheme of Delegation, the application has been requested to be referred to Central Planning Committee by the local member for the Loton ward, in response to an objection from Alberbury with Cardeston Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Alberbury with Cardeston Parish Council:

The Parish Council strongly opposes this application, because we have a stated aim of being open countryside and this development does not fit any of the criteria such as single plot exception or affordable housing. At an estimated 4 bedrooms, it is a large development considered inappropriate and unnecessary for the area

4.1.2 SC Drainage:

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, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 3 should be used to determine the number of persons for the proposed development.

4.1.3 SC Rights of Way: No objection

The drive that would be used to access the site is also a public footpath, although this does not appear to be recognised in the application. I note that the right of way already appears to be obstructed in several places by farm buildings and needs to be legally diverted. A public footpath also runs close to the field boundary to the north of the application site but is not directly affected.

Although the proposal will mean a small increase in the volume of vehicular traffic using the public footpath I do not consider that the levels associated with a single dwelling would be incompatible with the existing public rights and assuming there is a sufficient private right over the route (which would seem likely) I would not raise any fundamental objection provided neither path is not obstructed in any way during or after construction.

4.1.4 SC Ecology:

Raise no objection subject to addition of informative(s) relating to nesting wild birds.

4.1.5 SC Affordable Housing:

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

4.2 Public Comments

4.2.1 One letter of support and one letter of objection have been received from local residents. The comments are available in full on the file but have been summarised as follows: -

4.2.2 Support:

- no concerns over access and compliments the existing pattern of developments of Wattlesborough Heath.
- With there being many local services and amenities I feel it is a site of good sustainability.

4.2.3 Objection:

- The Alberbury with Cardeston Parish Plan established that no further building was needed,
- Preference should be given to smaller properties and starter homes.
- Parish Council decided after exhaustive discussion to remain as “Open Countryside”.
- The current inability of the Council to demonstrate a 5 year land supply should not be used to approve applications for which there is no established need, are against local wishes and would in normal circumstances be refused.

5.0 THE MAIN ISSUES

Site History
Principle of Development
Proposed Site
Impact upon Residential Amenity
Highways and Access
Ecology Issues
Affordable Housing
Drainage Issues

6.0 OFFICER APPRAISAL

6.1 Site History

6.1.1 12/04473/FUL:

Permission has been granted on the same site as the proposal, subject to the signing of a Section 106 agreement, for the erection of an affordable dwelling under the single plot exception policy. The site is located adjacent to a named settlement and as such, is suitable for the erection of an affordable dwelling in accordance with Policy CS11 and the Type and Affordability of Housing SPD.

6.1.2 13/01612/OUT:

Refusal of an application for the erection an open market dwelling on the same site as the proposal. The application was refused on the grounds that the site is not located within a hub or cluster and is therefore located within open countryside.

6.1.3 13/04666/FUL:

Permission has also been granted, subject to the signing of a Section 106 agreement, at Lower Wigmore Farm, for the conversion of an existing barn to an open market dwelling. The barn concerned was considered to constitute a heritage asset and as such was suitable for conversion subject to the applicant agreeing to the provision of a financial contribution towards affordable housing.

6.1 Principle of Development

6.1.1 The site is located to the south of the settlement of Wattlesborough Heath which is not a settlement in the saved Shrewsbury and Atcham Borough Local Plan Policy HS3 (identified for residential development) and it has not been identified as a hub or cluster in the emerging LDF SAMDev document. This document has undergone periods of consultation and is expected to be adopted in spring 2014 and therefore can be afforded some weight. In accordance with the development plan, sites

which are not located with 'HS3 settlements', market towns or settlements identified as community hubs or clusters are considered to be located within open countryside. Policy CS5 of the Shropshire Core Strategy does not support the provision of new open market residential development in the countryside.

6.1.2 Notwithstanding the above, Shropshire Council cannot currently demonstrate a 5 year supply of available housing land as required by the NPPF. This reduces the weight that can be given to saved local plan and core strategy policies which relate to the supply and location of housing. Such policies should be considered out of date and the presumption in favour of sustainable development which lies at the heart of the NPPF should therefore apply to this application.

6.1.3 The NPPF sets out three dimensions to sustainable development against which proposed development should be assessed; economic social and environmental : -

Economic: The erection of a dwelling in Wattlesborough will provide a boost to the local economy through the provision of construction jobs and increased spending power in local shops and services.

Social: In accordance with Para 55 of the NPPF, the proposal will also contribute to the vitality of the local community by bringing new occupants of the proposed dwelling to the village. The proposal includes the provision of a financial contribution towards local needs affordable housing in accordance with Policy CS11.

Environmental: The environmental dimension of sustainability is concerned with protecting and enhancing the natural, built and historic environment and adapting to climate change. The proposal is, however, only outline therefore a consideration of the wider impacts will need to take place as part of the reserved matters application.

6.1.4 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.1.5 The site lies to the south of the settlement of Wattlesborough Heath. When considering the sustainability of the settlement, the NPPF allows services in adjacent settlements to be taken into consideration and in this respect, Wattlesborough and Halfway House can be considered in conjunction. Together, the settlements contain a basic level of service provisions including a village shop, a café, a small number of businesses including a motor repair garage, a village hall and a public house.

6.1.6 In terms of accessibility, there are good links to both Shrewsbury and Welshpool in the form of a local bus service and proximity to the A458 Shrewsbury to Welshpool trunk road. Both factors help to make the site easily accessible to pedestrians and vehicular traffic.

6.1.7 Having regard to the services available, it is considered that the settlement would constitute a sustainable location for new residential development to be provided.

6.1.8 Notwithstanding the above, the development will also need to comply with the requirements of policies CS6, CS11, CS17 and CS18 to be considered acceptable.

6.2 Proposed Site

6.2.1 Siting:

In terms of the siting of the proposed dwelling, it is noted that the site is situated to the south of the existing settlement, in a gap between the village and Lower Wigmore Farm. The site is therefore technically separated from the settlement by a field, however, officers do not consider it represents encroachment into the open countryside given the position of Lower Wigmore Farm immediately to the south. As such, it is not considered that the erection of a dwelling would have a harmful impact upon the character and appearance of the surrounding countryside.

6.2.2 The site has already been approved for the erection of an affordable dwelling under the 'build your own affordable home exception' policy (subject to signing of S106 agreement) and this must be taken into account as a material consideration given that is likely to constitute a fall-back position for the applicant. Therefore, a refusal on the grounds that the site is in open countryside could not be substantiated as the applicant could still build the affordable dwelling in the same position following completion of the S106 agreement.

6.2.3 It should be noted that since officers agreed to grant permission for the original affordable dwelling under 12/04473/FUL, permission has been granted at the farm for a barn conversion scheme. Whilst this property could be occupied by the applicant (who was also the intended occupant of the affordable dwelling), it could also be sold off as an open market dwelling and should not necessarily mean that the affordable dwelling is now surplus to requirements. The affordable dwelling should therefore still be taken as the fall back position on site.

6.2.4 Scale and Design:

This is an outline application where the details for the proposed dwelling in terms of its scale and design have been deferred for assessment as part of the approval of reserved matters application. Clearly to be acceptable, any dwelling provided on the site will need to be appropriate, taking into account the local character and context.

6.3 Impact Upon Residential Amenity

There are no neighbouring properties immediately within the vicinity of the site. The nearest property is the farmhouse at Lower Wigmore Farm which is within the ownership of the applicant. The nearest properties to the north are Mansfield, Rose Cottage and Hill View which are located 95 to 100 metres to the north. At such a distance, it is not considered that the amenities of the occupants of those properties will be detrimentally affected by the development. Clearly, however, a further assessment of the impact upon the amenities of nearby residents will take place at the reserved matters stage following the submission of detailed plans and elevations.

6.4 Highways and Access

6.4.1 Whilst no comments have been provided by the Highways team in respect of this application, they have commented on a previous application on the site which were as follows: -

6.4.2 Wigmore Lane is a no-through road serving a number of properties and terminating at Lower Wigmore Farm. The access to the proposed dwelling would be from the farm driveway beyond the end of the public highway. The occupation of the dwelling may be likely to generate an increase in vehicle movements along Wigmore Lane but it is considered that the lane has the capacity to accommodate these and I do not consider that the proposal would have any detrimental effects on the highway or highway safety conditions.

6.4.3 As noted in section 6.1.6, the site is considered to have good vehicular and public transport links to both Shrewsbury and Welshpool.

6.5 Ecology Issues

6.5.1 The NPPF and Policy CS17 of the Shropshire Core Strategy require consideration to be given to the potential impact of a development on the natural environment. The Council's Planning Ecologist has assessed the application and is satisfied that the proposal can be provided without harm to any statutorily protected species or habitats, however, do request that an informative be attached to any planning permission granted which notifies the applicants of their duties with regard to protecting the wild birds.

6.6 Affordable Housing

6.6.1 The applicant has confirmed that an affordable housing contribution will be provided in accordance with Policy CS11. The prevailing rate will be set at the time of submission of the reserved matters application. This is a relevant consideration in terms of the local benefits provided by the scheme.

6.6.2 This is also relevant given that the Parish Council have objected on the grounds that the proposal will not constitute an exception site or contain affordable housing. For the erection of a single dwelling there is a requirement to provide an affordable housing contribution which the applicant has agreed to. This will be secured by Section 106 agreement.

6.7 Drainage Issues

6.7.1 The application form states that surface water will be drained by soakaways and foul drainage will be disposed of by a septic tank. The proposal has been assessed by the Councils Drainage team who request the attachment of conditions requiring further details of the soakaways and septic tank to be provided.

6.7.2 Given that the application is only at the outline stage, further precise details of both foul and surface water drainage will be considered at the reserved matters stage. Notwithstanding this point, the agent has confirmed that the proposed dwelling will include a package treatment plant and will utilise soakaways to provide surface water drainage.

7.0 CONCLUSION

- 7.1 The application proposes a single open market dwelling on land to the south of Wattlesborough Heath. The site is not within a settlement designated as a community hub or cluster and is therefore located within open countryside. However, having regard to the shortage in the 5 year housing supply, significant weight must now be given to the NPPF which advocates a presumption in favour of sustainable development.
- 7.2 Paragraph 14 of the NPPF advises that where the local plan is considered out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme. The application has been considered in the context of the 3 dimensions to sustainable development and against the relevant policies within the Core Strategy.
- 7.3 The site is located within close proximity to basic service provisions and employment within Wattlesborough Heath and Halfway House, and both settlements have public transport links to Shrewsbury. The proposal would make a contribution towards the local economy during the construction process and once completed through the increased spending power locally. Socially, the proposal will provide new residential accommodation within the area and will include a financial contribution towards local needs affordable housing. Environmentally, the proposal will not result in the loss of highest quality agricultural and can be landscape to ensure it fits discreetly within its surroundings. The proposal will be sited between the settlement and the field and will not result in isolated or sporadic development within the countryside, nor will it impact detrimentally upon the amenities of nearby residents or the local wildlife habitats or European Protected Species. Accordingly, the proposal is considered to comply with Policies CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy and the principal of residential development of the site is considered acceptable. Further detailed assessment of the proposal will take place at the reserved matters stage.
- 7.4 Having regard to the above considerations, it is felt that the proposed benefits of the scheme outweigh the likely harm and as such, the proposal is felt to constitute a sustainable form of development in accordance with the recommendations of the NPPF. Accordingly, the proposal is recommended for approval.

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 (NPPF)

Core Strategy and Saved Policies:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing
CS17: Environmental Networks
CS18: Sustainable Water Management

Type and Affordability of Housing SPD

RELEVANT PLANNING HISTORY:

12/04473/FUL Erection of affordable dwelling and detached double garage; formation of vehicular access PDE

13/01612/OUT Outline (access) application for the erection of one dwelling; formation of new vehicular access REFUSE 30th August 2013

13/04666/FUL Conversion of existing barn to a residential dwelling to include insertion of rooflights PDE

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

See planning file ref. 14/00629/OUT=

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Roberts

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the appearance, landscaping, layout, 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 be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the means of access, including the layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the dwelling hereby approved is first occupied.

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

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

5. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

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. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

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

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

29 May 2014

Item

11

Public

Development Management Report

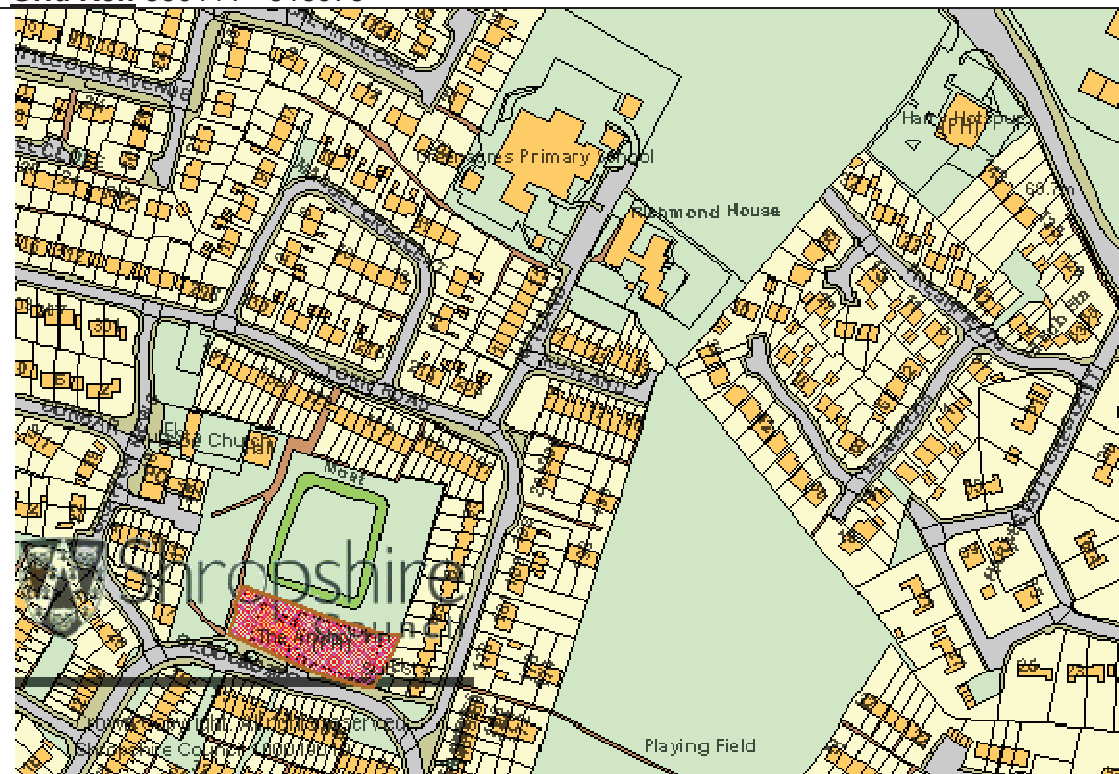
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/00899/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house		
Site Address: The Anchor Inn Gloucester Road Shrewsbury Shropshire SY1 3PR		
Applicant: The Wrekin Housing Trust		
Case Officer: Andrew Gittins	email: planningdmc@shropshire.gov.uk	

Grid Ref: 350111 - 315975



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

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for the erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house. The scheme would provide 6, two-bed, two-storey dwellings and 9, two-bed, three –storey apartments, all of which would be secured as socially rented affordable units through conditions.
- 1.2 The proposal was subject to a pre-application enquiry reference PREAPP-13/00445 in which officers set out the policy context and the requirements of any subsequent applications.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Anchor Inn is a public house located on Gloucester Road, in the Harlescott area to the north of Shrewsbury. The pub was constructed in 1962 and is of a traditional brick and tile construction. The pub is located to the south of a Scheduled Ancient Monument set within the Gloucester Road recreational area. The pub benefits from a car park to the east accessed off Gloucester road to the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is presented to Members at Committee as 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 in consultation with the committee chairman and 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:** Members did not object to the whole development but just the three storey elements which they felt were inappropriate for the historical setting of the site. They would prefer to see two storey dwellings across the site instead.

- 4.1.2 **English Heritage:** Due to its proximity to the Scheduled Ancient Monument it is likely that archaeological deposits may survive within the development site. Shropshire Council's archaeological adviser should be consulted on the proposed development, as there may be a need to undertake pre- or post-determination archaeological works. All external details, materials and finishes should be approved by the Council's conservation advisers, since good quality design has the potential to improve the setting of the Scheduled Ancient Monument, which is valued as an open green space in the area. Boundary treatments should be as

permeable as possible so as to not create a substantial artificial boundary to the monument.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

4.1.3 **SC Archaeology:** Background to Recommendation:

The proposed development site is located immediately south of the Scheduled Monument of Harlescott Grange moated site (National Heritage List Ref. 1019297). The Heritage Assessment indicates that by the mid-19th century the development site itself was occupied by Harlescott House, which stood on the site of the current public house until the late 1950s/ early 1960s. The gardens for this property lay to the east of the house, on the site of the current carpark. Harlescott House appears to have been demolished when the Harlescott Grange Estate was built by Shropshire County Council in the late 1950s, as part of which the moat was also landscaped and the moat arms partially infilled. The Anchor Inn was subsequently built in the 1970s. Whilst the area within the footprint of the current public house will therefore be heavily disturbed, the Assessment indicates that, prior to the construction of the carpark, the eastern part of the proposed development site had remained undeveloped since the end of the medieval period. As a consequence archaeological features and deposits associated with the moated site may survive in good condition beneath it, and the proposed development site is therefore deemed to have high archaeological potential.

RECOMMENDATION:

A Heritage Assessment by Castlering Archaeology has 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.

The Assessment states that it has followed English Heritage's guidance on the 'Setting of Heritage Assets' (2011). It concludes that 'The moat no longer stands within an agricultural landscape and the setting of the Scheduled Monument has been seriously compromised by the construction of the surrounding housing estate'. Following pre-application discussions with both the Shropshire Environment Historic Environment Team and English Heritage, it also indicates that the proposed development has been designed to limit any additional impacts; with Block 1 located on the site of the existing public house and Block 2 positioned so that the gardens to the rear provide a buffer against the monument. Consequently, English Heritage has not raised any objections to the proposals in their consultation response of 18 March 2014. I note also the Town Council's comments concerning a reduction in the height of Block 1, although I am not of the opinion that this would deliver any significant additional benefits in terms of the setting of the Scheduled Monument.

In terms of English Heritage's comments regarding external details, materials, and boundary treatments, I recommend that the standard conditions listed below are included on any planning permission.

In relation to the recommendations contained in the Assessment regarding the archaeological interest of the proposed development site, and in line with Paragraph 141 of the NPPF, I recommend that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial archaeological field evaluation of the proposed development site, followed by further mitigation measures as necessary. An appropriate condition is advised.

Standard Conditions: C1, C2, C3 & D1

- 4.1.3 SC Conservation:** I have provided comments on this proposal previously (see below) and I have no further comments to make on this application. My colleague in the Archaeology side of our Team will be providing specific comments and recommended conditions on this proposal in addition to the comments already provided by English Heritage.

Additional comments provided by email: The scheme provides an appropriate buffer between the proposed buildings and the SAM to the rear. The scheme includes suitable gaps between the buildings so as not to constrain or restrict views of the SAM. Both English Heritage and the Council's Archaeologist has been consulted on the application who will provide further comments in respect of the impact on the context and setting of the SAM. Generally the design and scale is in keeping with the surrounding built form and there is no objection from a conservation and design perspective.

Comments referred to above made at pre-application stage of development:

Background to Recommendation:

According to our circa 1900 Ordnance Survey mapping layer, the subject property was occupied by Harlescott House, with a fairly extensive range of traditional outbuildings located some distance to the north-west of this dwelling, outside of the current site area. Our records do not indicate whether any of this earlier (19th Century at least) dwelling forms part of the current Anchor Inn – this would be useful information to have from the applicant. All of these buildings were sited just outside the perimeter of the Scheduled Monument which is directly north of the Anchor Inn, and which makes this site particularly sensitive in terms of redevelopment. Comments in that regard were submitted previously from both English Heritage and the Archaeology side of our Team.

Principles of Scheme:

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework.

The scheme has been revised and generally improved from a site layout perspective with the provision of additional amenity space along with a reduced building footprint. Details in terms of building height, elevational design, materials and finishes will need to be provided to ensure the setting of the Scheduled Monument is improved through this proposal. Our Archaeology Team should again be consulted at this pre-application stage in terms of any further concerns they may have with the proposed site layout out and the provision of an adequate buffer between the Scheduled Monument and the redeveloped area.

RECOMMENDATION:

No objection in principle to the redevelopment of this site however assessment of a full set of plans with details will be required at the full application stage to determine whether the overall proposal and this number of dwelling units will have a negative impact on the adjacent Scheduled Monument, with the aim being that the redevelopment should enhance and improve the setting of this feature.

- 4.1.4 SC Trees:** A precautionary TPO has been put on tree no.s T6 T7 T8. I have no objection in principle however would request that the suggested conditions requiring an arboricultural method statement and tree protection are imposed.
- 4.1.5 SC Ecology:** I have read the above application and the supporting documents including the Extended Phase 1 Habitat Survey and Arboricultural Assessment by REC dated December 2013; conditions and informative(s) are recommended on bats and birds as set out.

Bats

REC (2013) consider that The Anchor Inn provided no opportunities for bats to roost as the structure is in good condition. One cedar tree on the site (T6) has some potential to support bat roosts as well as 8 trees outside the site boundary. If any of these trees will require removal REC (2013) recommend that they are removed under 'risk avoidance measures' such as a soft-fell approach.

The trees on and around the site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Nesting birds

The trees on and around the site are likely to be used by nesting birds and a condition is suggested.

- 4.1.6 SC Drainage:** No objection as the drainage details, plan and calculations could be conditioned if planning permission is to be granted.
- 4.1.7 SC Affordable Housing:** This is an exception site of 15 affordable homes. As there is a large number of people on the housing register requiring 2 bedrooomed properties in Shrewsbury we are happy with the proposals.

4.1.8 SC Highways: Recommendation:-

The highway authority raises no objections to the granting of consent subject to the attachment of a condition and informative.

Key Issues:-

Access to the highway:

The scheme uses the existing access to the former public house to serve the proposed apartment block and individual accesses directly onto Gloucester Road for the six proposed houses. I consider the layout detailed on the submitted drawing for this to be satisfactory.

Background:-

No additional comment.

4.2 Public Comments

4.2.1 Five letters from four separate households received objecting to the proposal on the following grounds:

- Request for Committee Members to conduct site visit as the pub was only refurbished 3 years ago and the current tenants state that it is still a viable concern.
- Principle of demolishing a family friendly pub is unacceptable, as the building is a community facility, uniting young and old and providing a facility for football, pool and dart teams.
- Proposed dwellings could cause a lot more anti social behaviour.

A petition has also been received which includes approximately 220 signatures objecting to the proposal.

5.0 THE MAIN ISSUES

Principle of development
Impact on historic and built environment
Impact on natural environment
Impact on residential amenity
Surface water drainage
Access and parking

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 The site is situated within the current urban development boundary for Shrewsbury and the provision of housing within the urban area accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire.

6.1.2 The main issue that arises in considering an application for the demolition of a public house to create residential dwellings is whether the planning system should prevent the permanent loss of a community facility.

6.1.3 The National Planning Policy Framework (NPPF) sets out the Government's Planning policies and how these are expected to be applied. In trying to achieve sustainable development, the planning system has 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”.

6.1.4 The NPPF seeks to promote healthy communities by delivering social, recreational and cultural facilities and services to meet the needs of the community. Planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs (para. 70).

6.1.5 In paragraph 51 of the NPPF, local planning authorities are required to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

6.1.6 The important contribution of facilities and services to social and economic vitality is recognised at a local level in Core Strategy policies CS6 Sustainable Design and Development Principles and CS8: Facilities, Services and Infrastructure Provision. These policies recognise that facilities and services, including pubs, have a direct effect on the quality of life of Shropshire's residents. Proposals that would result in the loss of a service or facility should be resisted unless it can be clearly demonstrated that the service or facility is not viable over the long term.

6.1.7 In policy terms there is a general presumption against the loss of public houses as granting consent for the demolition and replacement with affordable housing would permanently remove this community asset. The viability of the facility and the contribution it makes to social sustainability needs to be explored further before considering the demolition and replacement with affordable housing. It is acknowledged that pubs face a number of issues with regard to their continued operation; drink drive legislation, the smoking ban, increasing duty on alcohol sales and the easy availability of low price alcohol from high street stores and supermarkets, along with social change and economic hardship meaning a general reduction in disposable income. However, the planning process offers the only publicly accessible forum for debate about the future of individual public houses. Whilst it is not feasible for every pub to be retained, it is important to ensure that an assessment of the viability of the business is undertaken, and that only if the business is shown to be unviable should an application for change of use be granted.

6.1.8 CAMRA (Campaign For Real Ale) have produced a useful Public House Viability Test to assist Local Planning Authorities in assessing continuing viability of a pub business. The guide acknowledges that viability is not the only factor to be considered and whilst a material consideration is not a development plan policy. The Viability Test does not seek to protect the continued existence of each and every pub in the land. Times and circumstances do change and some pubs will find themselves struggling to continue as a going concern. However, any arguments put forward to that effect must be exposed to reasonable analysis so that they may be properly understood and, where appropriate, assessed and questioned by those concerned. The guide acknowledges that the Test is easier to apply in rural than urban areas; however the same principles of maintaining a range and choice of community facilities is still applicable in towns and cities. The test suggests that the following are considered:

Assessment of Trade Potential

- 1) Local Trade** – Pub location, catchment area, number of adults in one mile radius, proposed nearby developments, daytime working population.
- 2) Visitor potential** – Does the pub benefit from a popular location, tourist or community activities. Do people drive to it?
- 3) Competition** – How many pubs are within reasonable walking distance? Does the pub cater for different groups of people than nearest competitors? If not, could it?
- 4) Flexibility Of The Site** – Is the pub well maintained, have unused areas, buildings or space for expansion? What is its planning history?
- 5) Parking** – Is it appropriate or can it be extended?
- 6) Public Transport** – What provision exists in the area – bus, rail, safe walk? Is there a local taxi firm?
- 7) Multiple Use** – What is the extent of community facilities in the area? If none could the pub incorporate any?
 - **Competition Case Studies** – Are there any successful pubs in the neighbouring areas of similar population density? What are the contributing factors to their success?
 - **The Business Past and Present** – Is the business run by a tenant or manager? Does the pub have local support? Has the pub been managed well in the past? Can this be evidenced by last four years accounts? Have there been recent efforts to ensure viability? e.g. has the pub opened regularly and at convenient hours? Has the focus / theme changed? Does the pub serve food? Has the rent / repair policy undermined viability? Are there any non-standard circumstances relating to local authority business rates? Are there any unclaimed reliefs?
 - **The Sale** – has the pub been advertised for sale? As a going concern? At a realistic competitive price? How many offers have been received? Have valuations been carried out? Has the pub closed for any length of time?

The Test acknowledges that there is a difference between a genuinely unviable business and a business that is badly managed. Whilst CAMRA's Viability Test is not adopted policy it is a useful guide and consideration of the above factors assist in determining the application.

- 6.1.9** In order to evaluate trade potential and demonstrate whether the pub is viable over the long term the applicant has submitted a CAMRA Assessment. Paragraphs 1.5 and 1.6 of the Assessment conclude that The Anchor Inn has limited viability as a public house namely due to availability and offer of alternative pubs within a reasonable walking distance or accessible on public transport; namely The Harry Hotspur, which is situated 0.3 miles from The Anchor Inn on a main thoroughfare into Harlescott offering a variety of facilities including food, Wi-Fi, TV and beer garden in addition to hosting special events such as pub quizzes and live music. In The Steam Wagon also offers similar facilities to The Harry Hotspur and at 0.6 miles is also considered to be within reasonable walking distance. In addition to these competitors a further four pubs are located within a mile of The Anchor Inn, with another four located within 1.7 miles. It is therefore considered that there a number of competitive pubs within a reasonable walking distance or accessible on public transport.
- 6.1.10** The Assessment also concludes that The Anchor Inn has limited viability due to state of repair and the need for refurbishment in order to cater for different groups; the limited potential for passing trade due to its location within a housing estate and failure to diversify due to its locational constraints. The Assessment is considered to provide reasoned justification to demonstrate that The Anchor Inn is not viable in the long term and Officers are of the opinion the demolition meets the tests set out in Core Strategy Policies CS6, CS8 and the NPPF.
- 6.2 Impact on historic and built environment**
- 6.2.1** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.2.2** Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. It also indicates that Local Planning authorities should not refuse planning permission for buildings which promote high levels of sustainability because of concerns about incompatibility with the existing townscape, if those concerns have been mitigated by good design.
- 6.2.3** Shrewsbury Town Council has no objection to the general principle of the scheme but have objected to the three storey element. However, the application has been assessed by the Council's Archaeologist and Conservation & Design Officer in addition to be an assessment from English Heritage due to the location of the Moat which is Scheduled Ancient Monument to the rear or north of the pub. No objection has been raised by any of the historic environment consultees to the development

which the Council's Archaeologist has acknowledged has been designed to limit any additional impacts; with Block 1 located on the site of the existing public house and Block 2 positioned so that the gardens to the rear provide a buffer against the monument. The Council's Archaeologist has noted the Town Council's comments concerning a reduction in the height of Block 1, although they are not of the opinion that this would deliver any significant additional benefits in terms of the setting of the Scheduled Monument. Moreover, the three storey element of the scheme is considered to be in keeping with the scale of existing development in the immediate locality with a three-storey residential block situated directly opposite. Overall there is no objection to the scale or design subject to the attachment of conditions requiring the submission of materials and fenestration details as the scheme is considered compliant with CS6 and CS17.

6.3 Impact on natural environment

6.3.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This policy would look to preserve important trees and landscaping which provide amenity value to the landscape and local area. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.3.2 The application has been assessed by the Council's Ecologist who has no objection subject to the attachment of conditions and informative(s) in respect of external lighting, bat and bird boxes, measures for protected species, which will ensure that the development protects and enhances the natural environment in accordance with the requirements of CS17.

6.3.3 The application has also been assessed by the Council's Tree Officer who whilst having imposed a precautionary Tree Preservation Order on tree numbers T6, T7 T8 as shown on arboricultural assessment has no objection in principle, subject to the attachment of conditions requiring the submission of an arboricultural method statement and details of tree protection measures which will ensure that the development protects and enhances the natural environment in accordance with the requirements of CS17.

6.4 Impact on residential amenity

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The frontages of the proposed buildings will be sited a minimum of 30 metres from the frontages of the properties opposite on Gloucester Road as such the proposals are not considered to result in any unacceptable level of overlooking or overbearing. Meanwhile the two storey dwellings will be sited a

minimum distance of 15 metres from the rear of properties on York Road. It is acknowledged that these properties would be built on the former pub car park and therefore closer to the neighbouring properties than the existing pub. However at 8 metres to ridge the dwellings with only one small obscurely glazed window in the side facing gable serving bathrooms the proposals are not considered to result in any unacceptable loss of privacy, light or overbearing impact.

6.5 Surface water drainage

6.5.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application has been assessed by the Council's Flood Risk and Water Management Team who have no objection subject to the attachments of conditions and informative(s) which will ensure compliance with CS18.

6.6 Access and parking

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy T14 Parking Outside the River Loop of the SABC Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems. The provision of one parking space for a two-bed apartment / dwelling is considered acceptable by the Council's Senior Highways Officer who has no objection subject to the attachment of a condition requiring the construction, surfacing and drainage of the car parking spaces in accordance with a scheme to be submitted to and approved in writing by the LPA prior to the first occupation of the dwellings.

7.0 CONCLUSION

7.1 The information submitted demonstrates that The Anchor Inn is not viable over the long term due to the availability and offer of alternative pubs within a reasonable walking distance or accessible on public transport; namely The Harry Hotspur and The Steam Wagon; the state of repair, requirement for refurbishment in order to cater for different groups; the limited potential for passing trade due to its location within a housing estate and failure to diversify due to its locational constraints. Whilst the proposal would result in the loss of a community facility, it is not the only community facility in immediate locality (shop and post office with permission to use part of premises as a hot food takeaway), and would not therefore reduce the community's ability to meet its day to day needs or have a significant adverse impact on the quality of life of the current population or future residents of the immediate or surrounding areas. The siting, design and scale of the proposed dwellings and apartments would have no adverse impact on the local or residential amenities including the Scheduled Ancient Monument. Having regard to all the relevant information submitted it is recommended that the proposal should be granted permission subject to the attached conditions.

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

CS6 – Sustainable Design and Development Principles

CS8 – Facilities, Services and Infrastructure Provision

CS9 – Infrastructure Contributions

CS11 – Type and Affordability of Housing

CS13 – Economic Development Enterprise and Employment

CS15 – Town and Rural Centres

CS16 – Tourism, Culture and Leisure

CS17 – Environmental Networks

CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing

Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

SA/88/0788 Construction of boundary wall/fence, formation of beer garden on existing car park and provision of new doorway. PERCON 4th October 1988

SA/87/0817 Erect and display various externally illuminated signs. PERCON 29th October 1987

SA/80/0441 Alterations and additions to provide an enlarged lounge/bar extension removing existing bow window at the rear and re-use in front lounge extension. PERCON 21st May 1980

SA/96/0190 Extension to provide store adjacent to existing garage. PERCON 4th April 1996

SA/07/1067/F Erection of an external timber covered area with timber decking PERCON 17th August 2007

PREAPP/09/00953 Conversion of existing public house to a single residential building providing 4-5 bedrooms and propose 6 new dwellings within the curtilage of the existing car park. REC

PREAPP/13/00445 Erection of 15 affordable units (9 apartments and 6 houses) following demolition of existing public house PREUDV 22nd October 2013

14/00899/FUL Erection of six houses and one 3-storey apartment block consisting of nine apartments; formation of vehicular access; demolition of existing public house PDE

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 Vernon Bushell

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. All trees and hedges which are to be retained in accordance with the approved plans shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction - Recommendations for tree protection'.

The protective fence shall be erected to the satisfaction of the LPA prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenity of the site by protecting trees during the development

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

5. 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.

6. 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.

7. Prior to the commencement of any development works an Arboricultural Method Statement (AMS) detailing how this approved road construction works will be carried out and the tree adequately protected during the process shall be submitted to and agreed in writing by the local planning authority.

Reason: The submitted plans indicate that road construction will be in close proximity to the root protection area of the retained trees. To safeguard the amenity of the site by protecting trees during the development

8. No development shall take place until a scheme of foul drainage, 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.

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

9. The dwellings hereby approved shall not be first occupied until the car parking areas shown on approved plan have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking spaces thereafter shall be kept clear and maintained at all times for that purpose.

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

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

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

11. 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.

12. Prior to the first occupation of the dwellings details of five woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

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

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

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

14. The affordable housing units for rent shall be advertised through the Shropshire Choice Based Letting scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme. The 'Shared Ownership' affordable housing units for sale shall be advertised in the Shropshire Choice Based Letting scheme.

Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan) is applied in allocating the affordable properties for rent.

15. The dwellings hereby approved shall be made available as Affordable Rent Dwellings or Social Rent Dwelling and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

16. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy CS11 with regard to local needs and prioritisation for local people.

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

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

3. Consent is required from the service provider to connect into the foul main sewer.
4. The applicant should consider employing measures such as the following:

- ' Water Butts
- ' Rainwater harvesting system
- ' Greywater recycling system

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

5. The SUDs applicability that the site is classified under according to Shropshire Council's Surface Water Management: Interim Guidance for Developers is infiltration therefore the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

If soakaways are not feasible, the proposed discharge rate and attenuation volume as stated in the Drainage Appraisal Report are acceptable.

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

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

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

7. The alterations to the highway kerbing and footway, required to facilitate vehicular access across the footway for the six houses, shall not commence until the applicant has obtained a Highways Act, Section 184 licence issued by the Highway Authority to undertake the works. Details of how to obtain this licence, the fee charged and the specification for the works are available on the Council's web site.

This page is intentionally left blank



Committee and date

Central Planning Committee

29 May 2014

Item

12

Public

Development Management Report

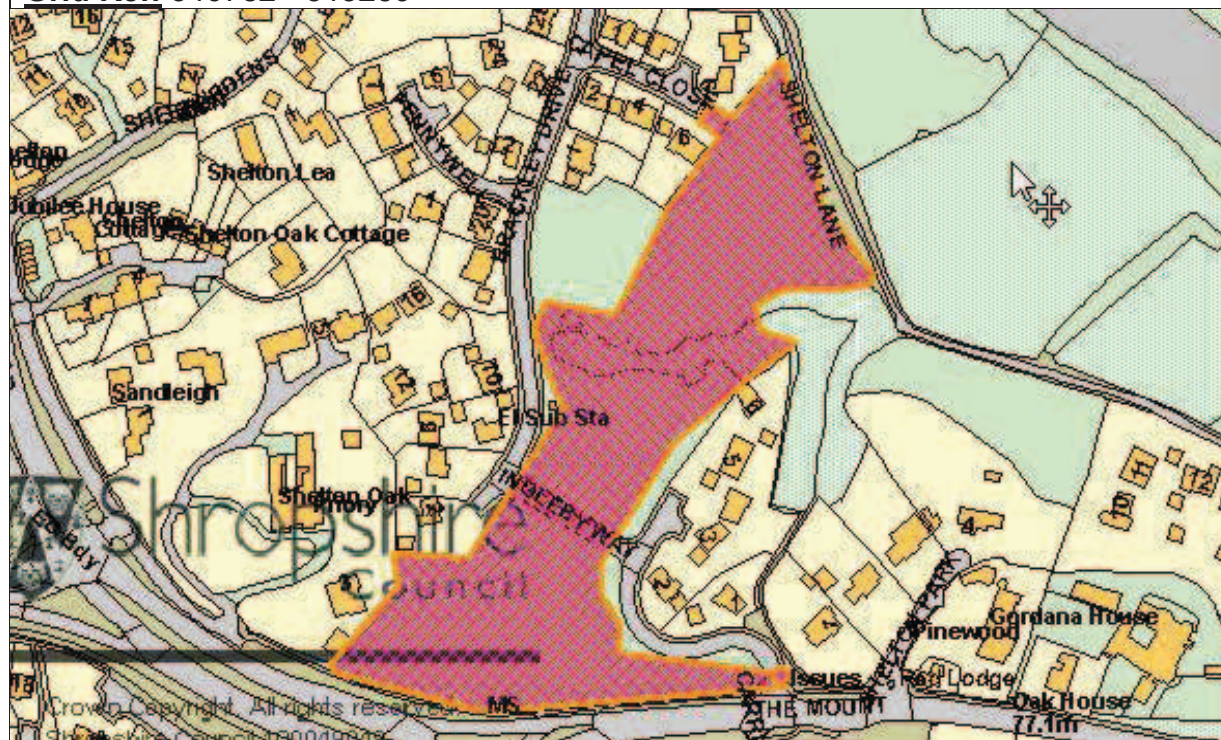
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/01014/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 27no dwellings including 5 affordable homes with associated roads, parking and new rights of way		
Site Address: Land Adj. Ingleby Way Shrewsbury Shropshire		
Applicant: Galliers Homes Limited		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 346782 - 313259



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

Recommendation: Grant delegated powers to the Area Planning Manager / Principal Planning Officer to issue planning permission subject to:

- satisfactory information being received to complete the Ecological Assessment
- a Section 106 legal agreement to secure affordable housing in accordance with the Type and Affordability of Housing SPD, and
- to the conditions set out in Appendix 1.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to full planning permission for the erection of 27 dwellings (including 5 affordable) and associated landscaping, new estate roads, parking, open space and new rights of way. Vehicular access to the site will be via Ingleby Way off The Mount and off Capel Close and Brackley Drive which are also accessed via Ingleby Drive.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is within the urban development boundary for Shrewsbury on both the proposals map of the Shrewsbury and Atcham Borough Local Plan and the SAMDev draft pre-submission plan. It was previously land allocated for the North West Relief Road but the relief road is no longer being pursued in this location and planning permission was approved in January 2013 (09/03046/FUL) for the erection of 25 dwellings to include 3 affordable units. Ingleby Way dissects the site which is flanked along the northern boundary by Shelton Lane and by The Mount along the Southern boundary but is well screened along this boundary by existing mature hedgerows to be retained. There is a wooded area within the central section of the site with a stream and to the north west of the site boundary is an area of existing public open space and informal area of play accessed off Brackley Drive.

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 in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations**4.1 - Consultee Comments**

- 4.1.1 **SC Rights Of Way:** Bridleway 34A Shrewsbury runs along Shelton Lane which abuts north eastern boundary of the site. It will not be affected by the proposed development.

4.1.2 **SC Trees:** Having reviewed the updated tree survey and site layout concludes that the proposed development will not have a significant negative impact on important trees or the local landscape. The trees which are shown as being retained can be protected in accordance with BS 5837: 2012 and will not exert a negative influence over the residential amenity of the proposed dwellings. No objection is raised to this application subject to tree protection conditions.

4.1.3 **SC Public Protection – Specialist:** Having considered the proposed block plan it is evident that the houses to the south of the site are close to a busy road. Recommend that a noise assessment is carried or details provided showing how noise from the road will be stopped from having an adverse affect on future occupiers of the site (e.g. no windows on gable ends into habitable rooms, glazing specification). Recommends conditions regarding this.

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 and recommends a condition.

4.1.4 **SC Highways:** We note that there is an extant permission for residential development on this site under the reference 09/03046/FUL and the layout of the application under consideration is similar to that of the previous permitted layout. However we requested a number of minor detail amendments to the layout which have now been carried out to our satisfaction. In transport terms this can be considered as a sustainable site due to its proximity to existing nearby employment at Oxon, the opportunity for bus travel and the site will connect with the existing cycle network on Shelton Road. It would seem apparent that this site was originally constructed with further development in mind. Therefore we are of the opinion that the local road network and junctions are of a sufficient standard to safely accommodate the additional vehicle movements generated by the proposed development. The highway authority raises no objection to the granting of consent subject to conditions regarding construction of the access roads.

4.1.5 **SC Conservation (Historic Environment):** The subject lands lie outside of and some distance to the west of the westerly boundary of The Mount Conservation Area. Our current mapping indicates that there are no designated heritage assets within the subject area and an overview of the relevant circa 1900 archival Ordnance Survey mapping suggests that there may be no heritage assets within the subject area.

4.1.6 **SC Drainage:** Suggests that the drainage details, plan and calculations could be conditioned if planning permission is granted.

4.1.7 **SC Affordable Houses:** Our previous comments in relation to residential development on this site were positive in respect of the affordable housing provision. The difference between the previous and current planning application is an additional 2 affordable dwellings. The site falls within an area where the prevailing housing target rate is 20% and therefore in accordance with the Council's adopted Policy, 5 of the proposed 27 are required to be affordable. The expected tenure split for affordable housing on open market developments is a 70/30% split, the 70% being social/affordable rented and the remaining 30% being low cost home ownership. The application form refers to the 5 affordables being

intermediate and therefore requests that the agent be required to indicate that three will be social/affordable rented and the remaining for low cost home ownership. We are satisfied that 4 affordable dwellings will comprise two bed and the remaining one will be three bed. We would suggest that the affordable plot numbers are specifically referred to in the S106 as being Plots, 12,13,14,15 and 16, unless otherwise agreed in writing. We are fully supportive of this revised application in respect of the affordable housing provision, subject to the standard requirements in respect of allocation. 20% contribution of 27 dwellings is equivalent to 5.4, 5 being whole affordable dwellings provided on-site and the remaining 0.4 as a financial contribution calculated to be £36,000 based on the information provided.

- 4.1.8 **SC Ecology:** The site falls within the Environmental Network under Core Strategy Policy CS17 and this should be addressed within the Ecological Assessment. Additional information is still required to complete the Ecological Assessment. Conditions and informative(s) are recommended on other ecological issues.

Environmental Networks - 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. This proposed development site is 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. The update 2014 report does not address this issue. In practical terms we would expect retention of the priority habitats (such as hedgerows) and ecological networks (such as the gully and possibly Field 5 – see below for request for more information).

Ecological Assessment - The Blacktree Ecological Survey 2014 update is considered to be inadequate to assess the planning application. The following information is missing:

- Extended Phase 1 habitat survey, habitat map and target notes
- A data search with the Shropshire Environmental Data Network. Use of NBN maps in consultancy reports is contrary to the NBN Gateway Terms and Conditions.
- Species lists
- Consideration of local and national Biodiversity Action Plan (BAP) species

Field 5 contains abundant black knapweed, which indicates that the field is likely to have been semi-improved grassland in the past. A current botanical species list is required.

Brook - In order to protect the gully and brook protective fencing will be required prior to construction work commencing. Plans should be submitted showing the fencing location. Recommends a condition regarding this.

Badger - Blacktree Ecology (2014) state that no signs of badgers were found in the survey area on the 25th January 2014. Badgers are known to have setts along the River Severn corridor in this part of Shrewsbury, so the site will need to be re-

surveyed immediately prior to development commencing. Recommends an informative.

Bats - Blacktree Ecology (2014) note that mature trees around the site have potential as bat roosts, including three within the north eastern end of the 'gully'. The location of trees with bat potential should be identified – these can be shown on the Tree Constraints Plan. The mature oak tree adjacent to the stream at the western end has potential for bats (Blacktree Ecology (2010)). These trees should be retained, along with as many of the other trees on the site and especially along the stream as possible. If any tree surgery is necessary in the future or trees with bat potential area proposed for removal then a bat survey of the trees must be undertaken by an experienced, bat licensed ecologist prior to the work taking place. No bat activity survey has been carried out but it is very likely that the trees, hedgerows and gully will be important for bat foraging and commuting. It will be very important to control lighting to avoid impacting on bat behaviour. To offset the impact on bats, a condition is recommended to require installation of bat boxes.

Nesting Wild Birds - There is considerable potential for nesting wild birds on the site and recommends a condition to offset the loss in habitat.

4.2 - Public Comments

4.1.2 Shrewsbury Town Council: Objects - Members are generally disappointed that there has been no pre-consultation with local residents, local member or the Town Council particularly since many will see this as a loss of green space and public amenity. Given that the developer has already sought planning permission for neighbouring land and not contributed to the provision of public open space or play. Members feel that this further tranche of development needs to be placed in the context of those existing dwellings and that adequate space for recreation and play needs to be factored into the site.

4.1.3 15 letters of objection have been received summarised as follows:

- ☐ Concerned about additional water as a result of the development entering the watercourse which is already overloaded and notes engineering works are planned for the stream
- ☐ If any trees are to be removed from gardens then permission must be sought from the owner.
- ☐ Objects to the loss of green and open space which should be retained for children to play.
- ☐ Would prefer area B to become Public Open Space (POS) as it is currently used by residents and visitors for recreation purposes.
- ☐ The POS by Brackley drive which is proposed to be retained is highly inadequate for the overall total number of houses in the locality once the new development is completed.

- ❑ The POS is a sloped area planted with trees and whilst visually attractive is unsuitable for recreation purposes.
- ❑ The proposed POS and play provision previously approved have gone.
- ❑ The proposed plan needs to be redesigned to ensure adequate and well developed POS/park for children and adults.
- ❑ There is an urgent need to consider much bigger and organized public open space for the local population
- ❑ The loss of green and open space between Town Centre and Shelton detracts from Shrewsbury's reputation as a 'garden town'
- ❑ A variety of wildlife can be spotted on the site which will be driven away by this proposal
- ❑ Would like to see a more detailed investigation of the ecological diversity of the site.
- ❑ The construction of houses would not maintain the overall biodiversity of the site and the Wildlife and Conservation Act 1981 should give protection and prevent destruction of habitats.
- ❑ The provision of tarmac footpaths accessing the development including a link with the Mount and a path linking Shelton lane and Brackley Drive are not required and could encourage ant-social behaviour and will make the estate unsafe and vulnerable.
- ❑ The proposal includes insufficient parking spaces.
- ❑ The access roads to the affordable homes don't look wide enough and appear single rather than double width.
- ❑ This new proposal has a less pleasant approach to the main part of the estate on the right of Ingleby Way as it approaches Brackley Drive compared to the layout previously approved.
- ❑ The 27 houses (2 more than previously approved) is too high a density and is much more than the existing in the estate and represents over development of the site.
- ❑ The two and three bedroom homes are not in keeping with the area
- ❑ The design of the housing does not appear to be in keeping or have any resemblance with the existing.
- ❑ The properties should all be built of the same brick and not rendered.
- ❑ The five affordable homes should be distributed across the site rather than all in one place.

- ❑ Does not understand why 20% have to be affordable/social housing when other permissions have been approved with less.
- ❑ There should be no affordable/social housing to be in keeping with the rest of the area which is a private executive estate with an open feel and this cramped development with smaller houses and less open space will devalue properties
- ❑ The existing residents should not be punished by the Council's proposed scheme for the NWRR altering to allow the land for housing development which now has to include affordable housing which will alter the character of the area and devalue properties.
- ❑ The number of houses should be reduced so there would be no requirement for on site provision, or the development should be legally viewed as the completion of a development started over ten years ago, with only the suspension of the scheme due to the Council's NWRR. This would then alleviate the requirement for affordable housing as the rule would not have been in place
- ❑ Despite the Council's recent letter stating 'Your views are important, and representations are always taken into account', permission was granted for the previous application taking none of the numerous valid objections from Darwin's Wood residents into account. There is therefore little point in objecting.
- ❑ A resident at no 5 Ingleby Way will face plot 12 and requests that the proposed 'close boarded fence' should be a brick wall as provided for plot 17 to conceal the house, car park and garden area.

5.0 THE MAIN ISSUES

Principle of development
 Layout, scale, design and appearance
 Landscaping/Trees/Open Space
 Highways
 Rights of Way
 Ecology
 Impact on residential amenity
 Drainage
 Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site is within the urban development boundary for Shrewsbury on both the proposals map of the Shrewsbury and Atcham Borough Local Plan and the SAMDev draft pre-submission plan. The provision of housing within the urban area accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The proposal will also help boost

the housing supply numbers and accord with the NPPF presumption in favour of sustainable development. The development is therefore acceptable in principle and should be supported unless any impacts would significantly and demonstrably outweigh the benefits. The principle of residential development of this site has also already been established by the previous permission approved in January 2013 for the erection of 25 dwellings to include 3 affordable units.

6.2 **Layout, scale, design and appearance**

6.2.1 The layout of the site is dictated by the existing road layout and the stream and Ingleby Way that dissects the site into three parts (A to the South, B in the centre and C to the North). The layout has been designed so that the dwellings front the existing and proposed estate roads with dual aspect elevations on corner plots. Eight houses are proposed for the Northern part of the site (Area C) to be accessed off Capel Close and the plans indicate large detached houses in good sized plots in keeping with the plot sizes in Capel Close and is a very similar layout to that previously approved. Eight houses are also proposed for the central part of the site (Area B between Ingleby Way and the landscaped area and stream to the North) which is an increase of one to the seven previously approved. These will be a mix of detached and semi-detached houses including five affordable homes (four of which will be two bedroom houses and one will be a three bedroom house). It has been suggested that the affordable houses should be distributed across the whole of the site but a RSL will not take them on unless they are located together in groups of four or five. On larger sites when a larger number of affordable houses are being provided it would be expected that they would be in groups of up to six distributed across the whole of the site but it is not considered appropriate or reasonable to expect them to be individually dotted across the whole of the site on either this site or larger sites. Eleven detached houses are indicated for the Southern part of the site (Area A) whereas the previously approved layout indicated ten. The proposal includes a mix of dwellings from 2 bedroom detached to 5 bedroom detached and have been designed to pick up some of the architectural features and materials found in surrounding properties including bay windows, chimneys and stone detailing. The materials will include a range of roof tiles and a mix of brick types and some render and it is agreed that this will result in an attractive and interesting streetscape. It is considered that the layout of the development and the size of plots will not appear cramped, and that a mix of house designs, size and styles and a mixed pallet of materials are preferable to a development of almost identical detached executive type homes built in the same brick type, which is being suggested by some residents.

6.3 **Landscaping/Trees/Open Space**

6.3.1 The proposed layout includes the retention of boundary hedges and the retention of the majority of the trees including high value trees. The Councils Tree Officer has confirmed that the proposed development will not have a significant negative impact on important trees or the local landscape and that the trees which are shown as being retained can be protected. Conditions regarding tree protection measures and full details of the proposed landscaping and future maintenance can be imposed. Local residents are concerned about the loss of open green space but this land is not public land or public open space (POS) and has not previously been developed due to it being the protected route of the NWRR for which it is no longer

required. Residents were aware that a busy road might have gone through this land at some time in the future and that if not it would be developed for housing. The land has never been designated as protected green space and although residents have enjoyed the benefit and use of this land over the years they have no right to use it or claim it as POS. There is an existing designated area of POS to the North West corner of the site outside the site boundary and within the site boundary there is one large area of landscaped POS proposed for the centre of the site (the same as previously approved) and three smaller areas of POS to the South (again a similar area to that previously approved). The total area of POS proposed is 2065sqm including 1060sqm in the centre of the site which is larger than the total area required of 1470sqm based on the criteria within the Open Space Interim Planning Guidance (IPG) for calculating POS. There is therefore an overprovision of POS based on current policy guidance within the IPG which also outlines that POS can be recreational space, amenity open space and/or natural or semi-natural open space. It is considered that the level of landscaped POS proposed is acceptable and more than satisfactory for the number of houses proposed. Due to the size of the development there is no requirement for the open space provision to be recreational space or include play areas. Furthermore the open space provision only relates to the proposed new dwellings and there is no requirement for the proposal to provide POS and play areas or play facilities for existing residents although they will have access to the POS and landscaped areas proposed. The development will be liable for CIL and CIL is now the mechanism for funding to provide equipped play areas either on or off site.

6.4 Highways

6.4.1 The proposed access to the site is off the Mount via Ingleby Way. The houses to the North of the stream will be accessed via an extension to Capel Close (labelled access road 2) and proposed to be an adopted road. The houses in the centre and to the South of the site will be accessed by separate access roads directly off Ingleby Way and are indicated as private drives to be built to an adoptable standard. Highways consider the layout to be acceptable and that the local road network and junctions are of a sufficient standard to safely accommodate the additional vehicle movements generated by the proposed development and have no objection to the proposal. Concern has been raised about the level of parking but at least two surface spaces are indicated per dwelling in addition to garages for some plots and this is considered acceptable.

6.5 Rights of Way

6.5.1 The Rights of Way Officer has confirmed that the Bridleway that runs along Shelton Lane which abuts the North Eastern boundary of the site will not be affected by the proposed development. The proposal in addition to pavements adjacent to the proposed estate roads also includes a footpath from Brackley Drive in the West through the POS in the centre and connecting with the new access road to the proposed houses to the North and to Shelton Lane. The proposal also includes a pedestrian link onto the Mount. The provision of foot paths and cycle routes through a development and connecting the site to the surrounding land promotes walking and cycling and provides easy access to the open space for both existing and new residents. If footpaths are not provided informal routes are made and it is preferable to have a formalised route maintained as part of the POS.

6.6 Ecology

6.6.1 An up to date survey has been provided which found no signs of protected or priority species including otter, water vole and crayfish and no signs of badgers, herpetiles or dormice. It notes that several mature and over-mature trees along the lower part of the gully and neighbouring Shelton Lane have potential for bats to roost, as do the neighbouring houses and that these trees are to be retained. The recommendations and mitigation within the report include retaining all mature, native trees, and planting the new contoured slopes with native (and preferably locally sourced) species and that any new lighting should be limited, downward facing to avoid casting new light on mature trees. The Councils Ecologist has conformed conditions to secure appropriate lighting to minimise the disturbance to any bats and conditions requiring the erection of bat boxes and bird boxes to enhance the value of the site for biodiversity and a condition requiring full landscaping details and tree protection can be imposed. The Ecologist has also requested that the Ecological Assessment submitted is amended to acknowledge that the site is 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'. The amended assessment must also include an extended phase 1 habitat survey and details of protective fencing to provide a 19m buffer zone with the brook. Conditions are recommended to secure this. Subject to satisfactory information requested by the ecologist being submitted and the conditions recommended being imposed it is considered that the proposal would not have an adverse impact on protected species and would 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by the NPPF. Members will be updated prior to committee regarding the requested information being received and the Ecologists response.

6..7 Impact on residential amenity

6.7.1 The majority of comments from residents relate to the loss of open space and the provision of affordable housing affecting the value of their properties. The impact on property values is not a material consideration and open space has been considered in paragraph 6.3.1 above. The proposal has to be considered in accordance with existing planning policy and CS11 and the SPD requires affordable homes to be provided on site at the prevailing rate which is currently 20% in this location. It is not considered appropriate to request an AHC in lieu of on site provision and deviation from this is only allowed when it is demonstrated that a scheme would not be viable with on site provision. The provision of a mix of housing types and sizes will help promote a balanced community and should be supported. Due to the layout of the proposal and the site being split into three parts and being separated from existing development by existing roads, landscaping or open space there is no potential for overlooking leading to a loss of privacy or the buildings appearing obtrusive or overbearing or resulting in a loss of light. One comment has been received from a resident concerned about the view from the front of his house of the house proposed for plot 12. There is existing landscaping that will partly screen this view but there is no right to a view and it is not considered necessary to have a brick wall built along the side of plot 12 instead of a fence.

6.8 Drainage

- 6.8.1 The scheme incorporates stream bank reinstatement works (as indicated on the previous approval) in order to prevent further erosion of the stream bank and prevent the damage to or loss of existing trees to be retained. The Councils drainage engineer has no objection to the proposal subject to the imposition of conditions requiring full details of surface water drainage to be submitted for approval including a contoured plan of the finished ground levels.

6.9 Developer contributions

- 6.9.1 The proposal includes 5 affordable houses in addition to an off site contribution for the balance of 0.4 of a house (£36000). The proposed 22 open market dwellings will also be CIL liable for a total of approximately £120000 based on an approximate total floor area of 3000sqm. There is no requirement for a contribution for the maintenance of the public open space at this stage as it may either be adopted or managed by a maintenance company which will be secured by condition. There is also no requirement for on site provision of play facilities or an off site contribution for play facilities or recreational open space as the IPG outlines that this is covered by CIL.

7.0 CONCLUSION

- 7.1 The development of this site is acceptable in principle making good use of land no longer required for the NWRR and providing 22 open market homes and 5 affordable homes situated within the urban development boundary for Shrewsbury. The NPPF is clear that where there is a lack of a 5 year land supply 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 due to its proximity to Shrewsbury and excellent Public Transport links and opportunity for cycling and walking. The scale, design and layout of the proposed development is considered acceptable providing a mix of house designs, size and styles and a mixed pallet of materials to provide an attractive and interesting streetscape that would have no adverse impact on the character and appearance of the locality. A safe means of access will be provided in addition to adequate parking and turning space for each dwelling. The proposal would also have no adverse impact on residential amenity and the open space provision is in accordance with the IPG and allows for the retention of important trees on the site. The proposal would have no adverse ecological implications subject to the imposition of conditions and subject to the additional ecological information requested being submitted.
- 7.2 Members are requested to approve this application (bearing in mind that there is already planning permission for residential development of this site) and giving delegated authority to officers if the requested ecological information has not been submitted by the date of the committee. Permission, if granted, should be subject to the completion of a S106 Agreement to secure on site affordable housing in addition to the relevant AHC.

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: CS2, CS6, CS11, CS17 and the Housing SPD and Open Space IPG

RELEVANT PLANNING HISTORY:

09/03046/FUL Erection of 25 dwellings to include 3 affordable units, with associated roads, creation of new public open spaces, new playspace provision and formation of pedestrian footpath GRANT 21st January 2013

11. Additional Information

List of Background Papers: File 14/01014/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Nutting
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. 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 building for its 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 a Tree Protection Plan and Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. 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.

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.

d) 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 a responsible person has been 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.

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.

4. 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, 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 fencing shall be as shown on plan ref. ***.

Reason: To ensure the protection of Water Voles, a protected species under the Wildlife & Countryside Act 1981 (as amended)

5. Prior to the commencement of the development full engineering details of the site access works, 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.

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

6. Prior to the commencement of development details of the proposed surface water drainage system to include full details, calculations and location of the percolation tests and the proposed soakaways shall be submitted to and approved in writing by the LPA. Works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

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

7. Prior to the commencement of development a contoured plan of the finished ground levels shall be submitted to and approved in writing by the LPA to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

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

8. 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

9. 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.

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

Reason to ensure the provision and maintenance of the proposed public open space

11. Prior to the first occupation of the properties on plot 8 and 9 a 2m high close boarded fence with a minimum density of 7kg/m² shall be installed along the full length of the southern boundary.

Reason: to protect the health and wellbeing of future inhabitants in respect of noise

12. Prior to construction details of the glazing to be used on the southern facing facades of plots 8 and 9 shall be submitted for approval in writing. Details submitted will include the sound reduction properties of the glazing to be installed.

Reason: to protect the health and wellbeing of future inhabitants in respect of noise

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

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

14. Five bat boxes such as Schwegler 2F bat box or direct woodcrete equivalent should be erected on the site prior to first occupation of the dwellings. The boxes should be 4m or more above the ground and in non-illuminated areas as directed by the manufacturer's instructions; advice from an experienced ecologist should be sought if necessary.

Reason: To enhance the value of the site for biodiversity

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

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

This page is intentionally left blank



Committee and date
 Central Planning Committee
 29 May 2014

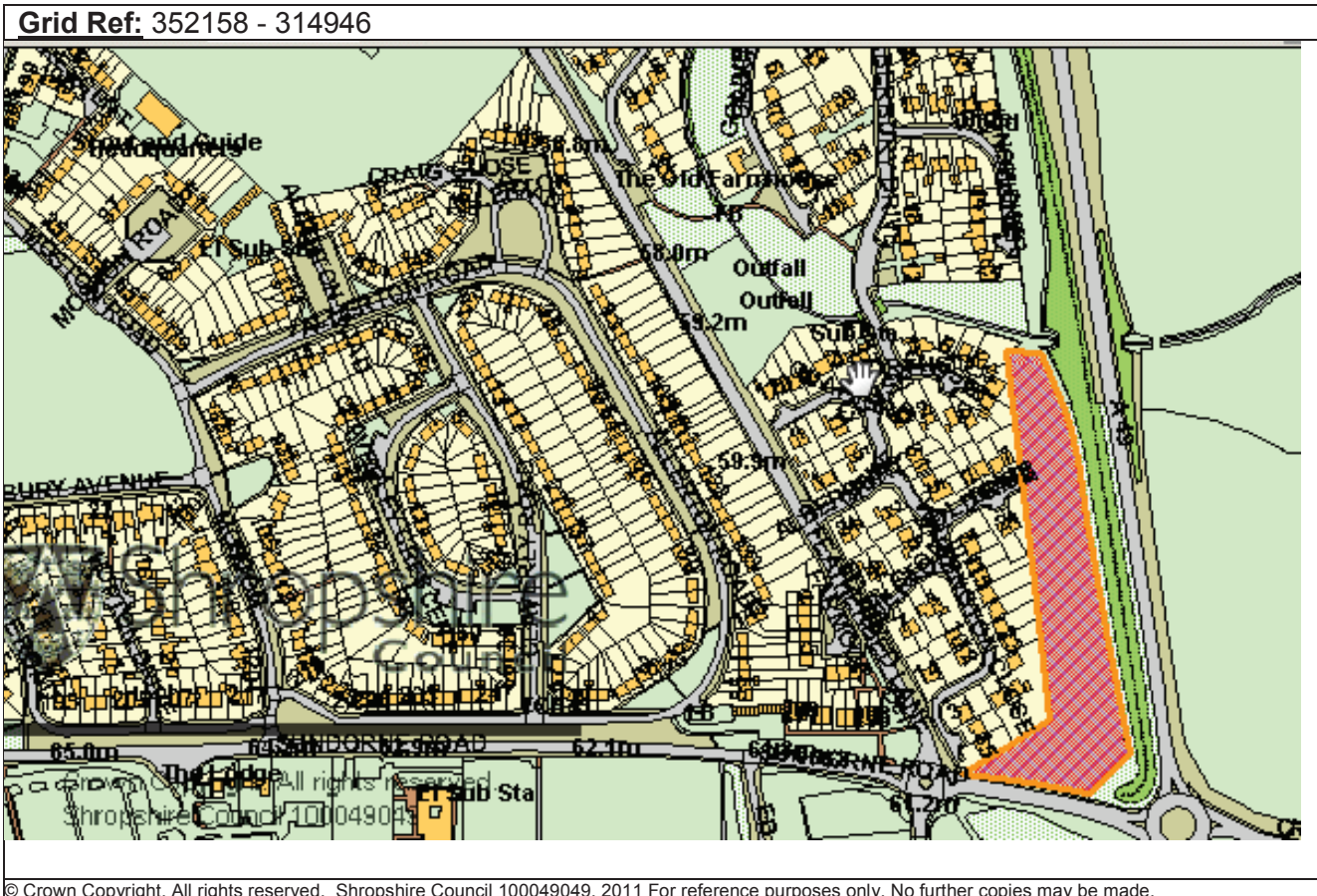
Item
13
 Public

Development Management Report

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

Summary of Application

<u>Application Number:</u> 14/01147/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Residential Development (25 Dwellings) and Open Space, with associated Highways and Drainage Infrastructure and other Accommodation Works		
<u>Site Address:</u> Land East Of Holgate Drive Shrewsbury Shropshire		
<u>Applicant:</u> Galliers Homes		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	



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

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure the on site AH and an AHC.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to full planning permission for the erection of 25 dwellings (including 2.affordable) and associated landscaping, new estate roads and open space. Vehicular access to the site will be via Holgate drive which is accessed via Alberbury Drive off Featherbed Lane.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is within the urban development boundary for Shrewsbury on both the proposals map of the Shrewsbury and Atcham Borough Local Plan and the SAMDev draft pre-submission plan. It is a parcel of land that was not developed at the time that the existing housing estate was built as the route for the Battlefield link road had not been finalised and was land reserved for this purpose.

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 in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Trees: The important trees of merit on site are sited on the field curtilages and are all shown as retained as part of the 5m buffer zone and therefore has no objection to the proposal on the grounds of trees subject to a condition regarding tree protection measures.

4.1.2 SC Highways: The local highway authorities consider this site sustainable for development due to its proximity to employment in the north-west of Shrewsbury, local schools, shops and the transport network; bus service 24 connecting Tesco to Shrewsbury bus station operates off Alberbury Drive at 15 minute intervals six days a week and the site is located a short drive away from the A49 by-pass road. We are of the opinion that the local road network and junctions are of a sufficient standard to safely accommodate the additional vehicle movements generated by the proposed development. We understand that the proposed estate roads will be offered for adoption and therefore a s38 agreement with the local highway authority will be required. The highway authority raises no objection to the granting of consent.

4.1.3 SC Conservation (Historic Environment): The subject lands lie well outside of the boundary of any designated Conservation Area. Our current mapping indicates that there are no designated heritage assets in the immediate vicinity of these lands, the closest being the designated heritage assets associated with Sundorne Castle some distance to the east. A desk based overview of the relevant circa 1900 archival Ordnance Survey mapping suggests that there may be no heritage assets remaining within the subject area ' a former school shown located at the southwest corner of these lands has since been demolished. In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF). We would also note that the design should reflect local vernacular detail in terms of layout, building siting, scale, details and materials.

4.1.4 SC Ecologist: Supporting documents including the Ecological Survey by Black Tree Ecology dated October 2013 have been submitted. Blacktree Ecology carried out a daytime visit on the 13th October 2013. The site is adjacent to busy roads and has a high level of human and dog activity. The existing landscape buffer to the A49 is shown for retention. A small stream on the northern side of the site had no signs of otter, water vole or other protected species and is shown for retention. No signs of badgers were found.

Bats - None of the trees on the application site were considered by Blacktree Ecology (2013) to have scope for bat roosts. The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Nesting birds - The trees and hedgerows on the site are likely to be used by nesting birds and recommends a condition for ten artificial nests to be provided.

4.1.5 SC Drainage: Suggests that the drainage details, plan and calculations could be conditioned if planning permission is granted.

4.1.6 SC Affordable Houses: The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing. The split of the affordable homes has been stated as 1 for affordable rent and 1 for low cost home ownership, both 2 bed roomed houses, this is acceptable in this area. The houses would need to be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

4.2 - Public Comments

4.1.2 Shrewsbury Town Council: Objects - Members are generally disappointed that there has been no pre-consultation with any of the local residents, the local member or the Town Council given its contentious layout and location. This applications relies on access and egress through the existing estate onto Featherbed Lane, which has recently been identified as a safety concern under the Shropshire Council Road Safety Policy. Local residents see this area as the last

green buffer between them and the very busy A49 and the loss of amenity space and value to local residents is immense.

4.1.3 23 letters of objection have been received from local residents summarised as follows:

- ❑ Increased traffic congestion and number of vehicles using the existing estate roads (Alberbury Drive, Whittington Close and Holgate Drive) causing road safety issues, noise, disturbance and disruption for existing residents and parking problems on minor side roads which were designed in the seventies for only light traffic.
- ❑ The increase in traffic would further impact on Featherbed Lane making it even more difficult for residents to get off the estate
- ❑ Decrease in property values
- ❑ The new proposed houses are not the same as the current style 'Fletcher' homes and the houses planned by the side of Sundorne Road in particular are very cramped terraced houses, and not in character with the rest of the estate
- ❑ Two storey houses are completely out of character with the surrounding properties and in particular the bungalows No's 8 & 11
- ❑ The development is not in an acceptable form and layout which would relate well to the adjoining properties and have not been sited and designed to respect the character and appearance of the adjoining properties
- ❑ The footprint of the proposed houses will not be similar in size and scale to the surrounding development and this will be particularly noticeable when viewing plots 15-25.
- ❑ Existing residents enjoy living in well proportioned homes on sizeable plots with a 'Rural' feel due to the spacious plots and the open green space. The proposal will result in the loss of this open and rural feel.
- ❑ Sustainable development is about change for the better and questions how this development qualifies.
- ❑ The street scene plan gives a very unrealistic and distorted perspective, and is not a true pictorial representation.
- ❑ Adverse visual impact due to the view from existing homes being greatly altered by the building of houses and views of open countryside including Haughmond Hill and Haughmond Abbey being lost.
- ❑ No consideration or consultation with the local community or residents who have lived in these houses for many years enjoying the open location.
- ❑ Proximity of houses to existing resulting in loss of light, overlooking, loss of

privacy and potential noise or anti-social behaviour of new residents

- ☐ The houses will be built on land that acts as a sound barrier to the Battlefield link Road
- ☐ Concerned for the quality of life for the potential occupiers close to this road
- ☐ Residents will have to endure the heavy construction vehicles and building work and the associated noise, disturbance, mud and dust and requests a condition regarding hours of work.
- ☐ Environmental impact including the removal of the greenfield corridor and the loss of green space which has become a wildlife haven.
- ☐ The site is not unused scrub land and has been used for 20+ years and residents consider it to be open green space,
- ☐ A section of the land adjoining the boundary of No 11 has been possessed, built on, cultivated and used as a vegetable plot and has evidence to prove access, possession and use and that consideration should be given to the legal position regarding this
- ☐ Concerns about future operation and maintenance of the proposed pumping station, problems with smell or noise, surface water drainage and subsidence affecting existing properties and damage to existing properties if the pumping station fails.
- ☐ Building work and ground disturbance close to existing houses could result in structural damage
- ☐ The lack of footpaths to plots 1, 2 and 3 presents a danger to pedestrians
- ☐ The narrow strip of land to the North is not included in the application so is concerned about its future maintenance.
- ☐ The garage proposed for plot 15 will be close to the back garden fence of 35 Whittington Close and the windows of plot 15 and 16 will overlook the garden and rear of the house.
- ☐ The side elevation of the house on plot 14 will be at the bottom of the garden of 23 Whittington Close and will reduce privacy and light and result in the view of a brick wall.
- ☐ 11 and 8 Northside Close are bungalows and will be overlooked by the proposed houses on plots 1 and 2 and the proposed garage will be close to the rear boundary.
- ☐ Requests that the developers consider providing a dropped kerb for No. 5 Holgate Drive when extending Holgate Drive to serve the new houses.

5.0 THE MAIN ISSUES

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposal is for development of a strip of land that was part of land reserved for the Battlefield link road, the final route of which had not been decided at the time that the existing houses were built. The route of the road is further to the East and so this piece of land is left over and available for development. The whole of the application site is within the urban development boundary for Shrewsbury on both the proposals map of the Shrewsbury and Atcham Borough Local Plan and the SAMDev draft pre-submission plan. The provision of housing within the urban area accords with policy CS1 and CS2 which identify Shrewsbury as the primary focus for housing development for Shropshire. The proposal will also help boost the housing supply numbers and accord with the NPPF presumption in favour of sustainable development. The development is therefore acceptable in principle and should be supported unless any impacts would significantly and demonstrably outweigh the benefits.

6.2 Layout, scale, design and appearance

6.2.1 Concern has been raised by local residents that the proposal will not be the same as the existing development in terms of the scale and size of the dwellings and the density of the development. The layout of the development is primarily dictated by the width of the site and the access to it via the existing estate off Holgate Drive, as there could be no access created from the Battlefield link road. The houses are a mix of detached houses facing the extended access road that will run parallel to the Battlefield link road and will lead to a row of semi detached and terraced houses at the bottom end of the site nearest to Sundorne Road. It is accepted that these houses will not be the same as existing houses on the estate but they will be separated from the estate by the proposed POS and are similar in density and size to those houses that are nearer on the opposite side of Featherbed land and facing Sundorne Road. These and the proposed detached houses that will face the new access will not be viewed in the context of the existing estate and there is therefore no requirement that the design should match. The layout and density of the detached houses that will face the new access road will in any case be similar to that in Kingfisher and Partridge Close with similar plot widths but shorter gardens. The proposal when viewed from the street would therefore not appear cramped. The proposal includes six different house types and it is considered that the designs proposed will provide a varied and interesting street scene when travelling along the new access road. The only point where the new development would be viewed in context with the existing development is at the head of the existing cul-de-sac 'Holgate Drive' but it is considered that the house designed for plot 4 (Whittington) which will face the highway adjacent to the existing 7 Holgate Drive will compliment this existing house. The layout, scale and design of the proposed development is considered appropriate and acceptable and the external materials will be considered at the reserved matters stage.

6.3 Landscaping/Trees/Open Space

6.3.1 The wooded green buffer zone and part of the site was designated as 'Green Space' under the SABC local plan but this policy is now no longer relevant and has been replaced by Core Strategy Policy CS17 (Environmental Networks). This policy seeks to protect and preserve the historic and natural environment but does not preclude development of all greenfield sites. The proposal does not include developing all of the land right up to the Battlefield Link Road as the wooded buffer strip will remain. Some trees are proposed to be removed within the site but the Councils tree officer has confirmed that the important trees of merit on site are situated on the site boundary and are all shown as retained as part of the 5m buffer zone and therefore has no objection subject to a condition regarding tree protection measures. The site layout including the Public Open Space (POS) ensures that those important trees within the site are retained. The proposed landscape open space buffer to the South of the site and the proposed POS in the centre will provide more than the required amount of POS (1914sqm in total) and a mix of landscaped and natural/semi-natural open space as outlined in the IPG. Although residents may have benefited from the use of this land in previous years it is not public land and there is no right of access. The use of some of the land by a resident as a vegetable garden and their claim to it is a civil matter and not a planning matter. Conditions regarding tree protection measures and full details of the proposed landscaping and future maintenance of the landscaped areas and POS can be imposed.

6.4 Highways

6.4.1 Access will be via Holgate Drive and Alberbury Drive off Featherbed Lane. Highways have no objection to the proposal and consider that the local road network and junctions are of a sufficient standard to safely accommodate the additional vehicle movements generated by the proposed development and that the proposed estate roads will be offered for adoption. The proposal includes adequate parking and turning space for each dwelling and it is considered that the proposal would not result in any adverse highway implications.

6.5 Ecology

6.5.1 An ecological survey has been conducted and an ecological report submitted which acknowledges that the site is adjacent to busy roads and has a high level of human and dog activity and that the existing landscape buffer to the A49 is shown for retention. No signs of protected species were found and the Councils Ecologist has no objection to the proposal subject to a condition on lighting to avoid affecting bat behaviour, as trees and hedgerows are likely to be used for bat foraging and commuting. The trees and hedgerows on the site are also likely to be used by nesting birds and a condition for ten artificial nests will provide ecological enhancement. The proposal will not result in the loss of the green wooded buffer zone so a green corridor will be maintained in accordance with CS17.

6.6 Impact on residential amenity

6.6.1 Some neighbours are concerned about the proximity of the proposed new houses that will result in a loss of light and a loss of privacy and also object to the loss of

the view of the countryside and the loss of the buffer zone that screens the Battlefield Link Road. However there is no right to a view and the proposal includes retention of the wooded buffer zone and it is considered that the proposed houses will provide additional screening from the noise from the road. With regards to the impact on individual neighbours the agent has considered their concerns and provided the following advice:

The occupiers of the bungalow at 11 Northside and also nos. 23 and 35 Whittington Close have raised concerns about the relationship of the new development to their properties and the potential impact upon their residential amenity. Plot 1 is at an oblique angle to no. 11 Northside. Furthermore, there will only be a small obscure glazed bathroom window on its side gable so there would be no loss of privacy. The garage adjacent to the boundary is single storey so will not give rise to any amenity issues, but it will form a barrier between plot 2 and nos. 11 and 8 Northside. The rear elevation of plot 2 is also at an angle to the rear elevations of nos. 11 and 8 Northside and 20m away from the midpoint on the rear elevation of number 11 Northside, the closest property to plot 2. Plot 14 is the same design as plot 1 and its side gable would be positioned 18m away from the rear elevation of no 23 Whittington Close, well in excess of the normal 12m or so requirement and so this represents more than adequate distance separation. It has been suggested that perhaps plots 12-14 could be re-orientated to be in line with plots 5-11, but the applicant considers this to be unnecessary and particularly undesirable not least because it would increase the potential for overlooking between rear elevations and more importantly, it would diminish surveillance over the open space and represent poor urban design. It is suggested that the relationship between plot 15 and no. 35 Whittington Close is perfectly acceptable. The layout provides distance separations that comply with and indeed exceed recognised space about dwellings standards. Overall, therefore, it is maintained that the proposed layout represents the best design solution and one that will not cause unacceptable impact upon existing neighbouring properties. It is therefore, respectfully suggested that these concerns are ill-founded and do not represent material objections. The applicant is prepared to accept a condition requiring the submission and approval of a Construction Management Plan to minimise any potential impact upon the amenities of neighbouring residents during the relatively short construction phase of the proposed development.

A condition can be imposed regarding a construction management plan and it is agreed with the agents comments above that the proposed buildings are orientated and positioned at a sufficient distance to not appear overbearing or result in a loss of light or unacceptable levels of overlooking. A condition can be imposed to ensure that no first floor windows can be added to the side elevations of plots 1, 4, 14 and 15 that would overlook 35 and 23 Whittington Close, 7 Holgate Drive and 11 Northside Close respectively. The proposal currently includes a blank wall or only bathroom windows at first floor level. It is therefore considered that the proposal would have no significant adverse impact on residential amenity.

"In locations where gardens are not screened from traffic noise by the proposed dwellings, the gardens should be fenced with high, close-boarded heavy fencing".

6.7 Drainage

6.7.1 The domestic and highway surface water is proposed to be disposed of by the use of an attenuation system with a discharge to the existing watercourse which abuts the northern boundary. Porosity tests have been undertaken on the site, but the soils were found to be clays and not suitable for the use of soakaways. Appropriate additional SuDs techniques will also be provided to the development as required and necessary. Foul water drainage will discharge to the existing foul water sewer in Holgate Drive but due to the level of the foul water sewer in the junction of Holgate Drive with Whittington Close it will be necessary to provide a pumping station to serve the development. The Councils drainage engineer has no objection to the proposal subject to the imposition of conditions requiring full drainage details to be submitted for approval including a contoured plan of the finished ground levels.

6.8 Developer contributions

6.8.1 The proposal includes 2 affordable houses in addition to an off site contribution for the balance of 0.5 of a house (£39,600). The proposed 23 open market dwellings will also be CIL liable for a total of approximately £81000 based on an approximate total floor area of 2025sqm. There is no requirement for a contribution for the maintenance of the public open space at this stage as it may either be adopted or managed by a maintenance company which will be secured by condition. There is also no requirement for on site provision of play facilities or an off site contribution for play facilities or recreational open space as this is covered by CIL as outlined in the IPG.

7.0 CONCLUSION

7.1 The development of this site is acceptable in principle making good use of land left over since the Battlefield link road was constructed and will provide 23 open market homes and 2 affordable homes situated within the urban development boundary for Shrewsbury. The NPPF is clear that where there is a lack of a 5 year land supply 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 due to its proximity to Shrewsbury, access to local services and facilities and excellent Public Transport links and opportunity for cycling and walking. The scale, design and layout of the proposed development is considered acceptable and would have no adverse impact on the character and appearance of the locality. A safe means of access will be provided in addition to adequate parking and turning space for each dwelling and the proposal would have no adverse highway implications. The proposal would also have no adverse impact on residential amenity and the open space provision is in accordance with the IPG and allows for the retention of important trees on the site and the proposal would also have no adverse ecological implications.

7.2 Members are requested to approve this application in line with clear guidance within the NPPF to boost housing supply and it is considered that there would be no significant adverse impacts in allowing this proposal. Permission, if granted, should be subject to the completion of a S106 Agreement to secure on site

affordable housing in addition to the relevant AHC.

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

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies: CS2, CS6, CS17

11. Additional Information

List of Background Papers: File 14/01147/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Malcolm Price
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Unless altered by prior written agreement with the LPA, the development hereby approved shall be carried out strictly in accordance with the submitted Tree Survey document and Tree Protection Plan and in accordance with the BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fences shall be erected to the satisfaction of the LPA prior to commencing any approved development related activities on site including ground levelling, site preparation or construction. The fences shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenity of the site by protecting trees

4. Prior to the commencement of the development full engineering details of the site access works, 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.

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

5. Prior to the commencement of development details of the proposed surface water drainage system (to include full details of how groundwater will be managed and details, calculations and location of the percolation tests to demonstrate that the ground is unsuitable for soakaways) shall be submitted to and approved in writing by the LPA. Works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise the risk of groundwater flooding.

6. Prior to the commencement of development a contoured plan of the finished ground levels shall be submitted to and approved in writing by the LPA to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

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

7. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway. Works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

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

8. 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

9. 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.

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

Reason to ensure the provision and maintenance of the proposed public open space

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

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

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

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

13. Prior to the first occupation of the dwellings details of ten woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

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

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

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

15. Any first floor windows in the West facing side elevation of the houses on plots 1, 4 and 14 and in the North facing side elevation of the house on plot 15) shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in those elevations.

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

This page is intentionally left blank



<u>Committee and date</u>
Central Planning Committee
29 May 2014

<u>Item</u>
14
Public

SCHEDULE OF APPEALS AND APPEAL DECISIONS

LPA reference	13/02712/FUL
Appeal against	Refusal
Appellant	Mr Michael Stafford
Proposal	Change of use of garage into living accommodation and associated alterations.
Location	Garages At Former Meb Substation, Cophorne Road, Shrewsbury.
Date of application	09.07.2013
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee Decision
Date of decision	20.08.2013
Date of appeal	25.09.2013
Appeal method	Written Representations
Date site visit	25.02.2014
Date of appeal decision	27.03.2014
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	13/02834/OUT
Appeal against	Refusal
Appellant	Messrs Hiles & Ritchie
Proposal	Outline application (access & layout) for the erection of 5 open market houses and 1 affordable dwelling (amended description).
Location	Land South Of 6 Old Top Cottages, Uffington, Shrewsbury.
Date of application	18.07.2013
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee Decision
Date of decision	12.03.2014
Date of appeal	23.04.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	12/02498/OUT
Appeal against	Refusal
Appellant	Morbaine Limited
Proposal	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.
Location	Land At Hereford Road, Shrewsbury.
Date of application	11.06.2012
Officer recommendation	Refusal
Committee decision (delegated)	Committee Decision
Date of decision	19.08.2013
Date of appeal	17.02.2014 CHANGE TO INFORMAL HEARING 28.04.2014
Appeal method	CHANGE FROM WRITTEN REPRESENTATIONS TO INFORMAL HEARING
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	13/04518/TPO
Appeal against	Officer Decision
Appellant	Mrs Christine Harrison
Proposal	Removal of one Yew tree protected by Shrewsbury and Atcham Borough Council (No.4 Acton Burnell, Nr. Shrewsbury) Tree Preservation Order 1985
Location	4 Acton Burnell, Shrewsbury, SY5 7PA
Date of application	07.11.2013
Officer recommendation	Refuse but allow pruning work
Committee decision (delegated)	Officer refused
Date of decision	10.12.2013
Date of appeal	23.12.2013
Appeal method	Written representation
Date site visit	25.03.2014
Date of appeal decision	01.05.2014
Determination time (weeks)	19 weeks for appeal
Appeal decision	Allowed
Details	The Main Issues were: <ul style="list-style-type: none"> • The impact the proposal would have on appearance and character of the locality, and • Whether the reasons given for felling the yew tree are sufficient to justify that course of action (see Martin's email for more details)

LPA reference	13/04143/TPO
Appeal against	Officer decision
Appellant	Mr Terry Goodall
Proposal	To fell 1No Oak Tree protected by Shrewsbury & Atcham Borough Council (110 Portland Crescent) Tree Preservation Order 1995
Location	110 Portland Crescent, Shrewsbury, SY2 5NW
Date of application	11.10.2013
Officer recommendation	Refuse fell but allow a 20% crown reduction
Committee decision (delegated)	Officer Refused
Date of decision	27.11.2013
Date of appeal	09.01.2014
Appeal method	Written representation
Date site visit	25.03.2014
Date of appeal decision	08.05.2014
Determination time (weeks)	17 weeks for appeal decision
Appeal decision	Dismissed
Details	<p>The Main Issues</p> <ul style="list-style-type: none"> • The impact the proposals would have on the appearance and character of the locality, and • Whether the reasons given for felling the oak tree are sufficient to justify that course of action

This page is intentionally left blank



Appeal Decision

Site visit made on 25 February 2014

Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 27 March 2014

Appeal Ref: APP/L3245/A/13/2206165

Former MEB Sub Station, Block of Four Garages, Copthorne Road, Shrewsbury, Shropshire, SY3 8NW

- 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 Michael Stafford against the decision of Shropshire Council.
 - The application Ref 13/02712/FUL, dated 4 July 2013, was refused by notice dated 20 August 2013.
 - The development proposed is the change of use of one of the garages into a one bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area; and (ii) the appropriateness or otherwise of contributions sought in relation to affordable housing.

Reasons

Conservation Area

3. The site is within the Shrewsbury Conservation Area which is characterised by high density development of a mixture of size, style, height and age. As the site encompasses the town centre the conservation area is also characterised by mixed uses although this part of the conservation area is predominantly residential in character. There is no set pattern of scale or design and the overall impression of the conservation area is that of an eclectic mix of use and form.
 4. The existing block of garages is in a prominent site as it is on a main road. The block is of a rectangular footprint with a pitched roof and has plain brickwork and garage doors. As it is very plain it contributes little to the visual interest of the area. The proposal would add to the architectural interest of the building by introducing a gabled dormer and replacing the garage door with a window and a front door. The door and window would have headers/lintels above them to add
-

decoration. There would be 2 new windows in the side elevation which would add visual detail to the existing blank wall. Whilst the dormer would be an extension to the building, it would be small in scale in comparison to the overall size of the existing garage.

5. I noted on my visit that dormer windows are a common feature in nearby buildings and the houses opposite the site have headers/lintels, similar to those proposed, over their front doors and windows. The external alterations to the building would therefore respect the styles surrounding it. I consider that the alterations would enhance the appearance of the garage block by adding visual interest to an otherwise unremarkable and plain building.
6. The Council comments that the provision of a small amount of amenity space would provide unsatisfactory accommodation which is not in keeping with the scale and pattern of residential development. The Council does not explain what it means by "unsatisfactory accommodation". However, in my view, the addition of amenity space at the front of the building would have no greater impact upon the character and appearance of the Conservation Area than the existing hardstanding. I note that the application was recommended for approval to the planning committee and that the Council officer found that the proposal was acceptable in respect of any effect upon the character and appearance of the area.
7. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the Shrewsbury Conservation Area and there would be no conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) which seeks to ensure that development protects, restores, conserves and enhances the built and historic environment and is appropriate in scale, density, pattern and design taking into account local context and character. I find no conflict with the National Planning Policy Framework which requires good design.

Affordable Housing

8. The Council indicates that a financial contribution is required towards the provision of affordable housing. CS Policy CS11 seeks to ensure the creation of mixed, balanced and inclusive communities and to meet diverse housing needs. It says that in order to do this the Council will ensure, amongst other things, that all new open market housing makes appropriate contributions to the provision of local needs affordable housing.
9. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) says that one of the primary ways of achieving the provision of affordable homes is through developer contributions from open market developments. Where affordable housing cannot be provided on site a financial contribution will be required from the developer which will be pooled to be spent on facilitating the delivery of additional affordable and/or supported housing in Shropshire.
10. The appellant has provided a draft S.106 agreement in this respect, however, due to his personal circumstances it is not signed. Nevertheless, the amount of contribution indicated therein is not contested by the Council. Although the appellant refers to the proposed dwelling as being "affordable" it does not fall

into any of the standard definitions of affordability as expressed in chapter 4 of the Council's SPD.

11. I therefore conclude that the contribution sought in relation to affordable housing is appropriate. In the absence of a completed obligation I am unable to secure such a contribution and the proposal is therefore contrary to CS Policy CS11 and the Council's SPD.
12. I note the appellant's request to secure the contribution through the use of a condition. However, the Planning Practice Guidance *Use of Planning Conditions* says that conditions requiring financial payment should not be used. It also advises against conditions requiring a legal agreement to be entered into except in exceptional circumstances such as in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. This is not such a proposal and therefore such a condition would not be appropriate.

Other Matters

13. Third parties have raised the issues of over development and lack of amenity space. The footprint would not alter and therefore there would not be a significant amount of additional development on the site. The Officer's committee report says that many one bedroom properties close to and within the town centre do not have private amenity space and that there is a park nearby which is easily accessible on foot. Therefore, I find the proposed amount of amenity space to be acceptable for the small dwelling proposed and I do not consider that the site would be overdeveloped.
14. The Council's highway officer says that he does not raise any objections in principle to the garage being converted but he is concerned that if others were converted there would be no usable parking space for the dwellings. However, it is for the Council to determine applications based upon the particular circumstances of each application and in this instance there is sufficient space for a car to park; turning is available on the forecourt; and the access off the highway already exists for the garage use. I therefore find no harm to highway safety.
15. I acknowledge the appellant's comments that he has found himself without a permanent home and he needs to find accommodation in the area to be near work and family and that this would provide a home which he could afford. However, planning permission runs with the land rather than with the appellant and therefore I can only give the personal circumstances of the appellant limited weight.
16. I also acknowledge that the proposed dwelling would provide accommodation in a location close to day to day facilities; that it would be energy efficient; and that the appellant is willing to improve the site access. However, these matters do not outweigh the harm I have found.

Conclusion

17. Although I do not find harm to the conservation area I do find harm in respect of affordable housing and the appeal is therefore dismissed.

Siobhan Watson

INSPECTOR



3/10b Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0303 444 5607
Customer Services: 0303 444 5000
Fax No: 0117 372 8181
e-mail: teamp16@pins.gsi.gov.uk

Sandra Richards
Shropshire Council
Central Team
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Your Ref: 12/02498/OUT
Our Ref: APP/L3245/A/14/2213935
Date: 28 April 2014

Dear Ms Richards

Town and Country Planning Act 1990
Appeal by Mr Keith Nutter
Site at E A Downes & Sons Ltd, Hereford Road, Shrewsbury, SY3 7RE

In line with the provisions of section 319A of the Town and Country Planning Act 1990 (as amended), the Planning Inspectorate has reviewed the procedure for the above appeal on receipt of the LPA's and appellant's statements.

This case has been reviewed by a Senior Manager. Having regard to the criteria for determining the most appropriate procedure, and taking into account the evidence submitted so far and the views of both parties, it has been decided that a hearing is the most suitable procedure for the appeal. Noting the Planning Officer's recommendation to approve the application in two out of the three reports means that an oral event is necessary to enable the Inspector to test and understand the parties' evidence by questioning. In addition the issues raised within the first Reason for Refusal, namely whether the proposal would adversely impact on existing investment in local centres or the vitality and viability of Shrewsbury town centre, will need to be drawn out by an Inspector led discussion at a hearing.

I should advise that, whilst these views are based on the material and evidence currently before us, the appointed Inspector ultimately has the power to review the appropriateness of the procedure and can invoke the provisions of section 319A of the Town and Country Planning Act 1990 (as amended).

A letter setting out the new timetable for the appeal will be sent shortly.

Yours sincerely

Lucy Wootton

211B(BPR)

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



Appeal Decision

Site visit made on: 25 March 2014

By: **Jim Unwin** BSCFor MICFor FArborA CEnv.
An Arboricultural Inspector appointed by the Secretary of State
for Communities and Local Government
Decision date: 01 May 2014

Appeal Ref: **APP / TPO / L3245 / 3669**
At: **No.4 Acton Burnell, Near Shrewsbury, SY5 7PA.**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made Mrs Christine Harrison, against the decision of Shrewsbury Council.
- The application Ref: 13/04518/TPO, dated 05 November 2013, was refused by notice dated 05 December 2013.
- The work proposed, refused and appealed is felling one yew tree, T1 of the TPO.
- The relevant Tree Preservation Order (TPO) is the *Shrewsbury & Atcham Borough Council (No.4 Acton Burnell, Nr. Shrewsbury) Tree Preservation Order*, which was confirmed on 27 March 1985.

Decision

1. I grant the appeal to fell one yew tree, T1 of the TPO, subject to the following conditions:-
 - i) The felling for which consent is hereby granted shall be implemented within one year of the date of this decision.
 - ii) To avoid the risk of disturbing nesting birds, felling must be done outside bird nesting season, during the months from September to February inclusive.
 - iii) Felling shall be in accordance with section 4 of **British Standards BS3998:2010 Tree work - Recommendations**.
 - iv) During the first planting season (October to February inclusive) following felling, a replacement tree of a species to be agreed between local authority and appellants, but capable of achieving small size of up to 10m ultimate height, is to be planted within the plot of No.4 Acton Burnell, in a location to be agreed between the local authority and appellant. The replacement tree to be container grown (not rootballed); if broadleaved of Select Standard nursery stock, 10-12cm stem circumference and 3m-3.5m overall height; or if a conifer a minimum of 1.5m tall at planting.
 - v) If, within a period of five years from the date of planting, the tree (or any other tree planted as a replacement) is removed, uprooted, or destroyed or dies, another tree of the same size and species shall be planted within the first planting season following the removal, uprooting, destruction or death of the original tree.

Main Issues

2. I consider the main issues in this appeal are:
 - the impact the proposal would have on the appearance and character of the locality, and
 - whether the reasons given for felling the yew tree are sufficient to justify that course of action.

Reasons

- ***The impact the proposal would have on the appearance and character of the locality.***

Character of the locality

3. Acton Burnell is a small and compact rural village, with most dwellings in small irregularly-shaped plots clustered tightly around the central crossroads. Dwellings range from small to medium-sized, from very old to recent, and many older properties are terraced.
4. Farmsteads stand west of the crossroads and to the south west. A small village store and post office lies on the western side of the crossroads. To the east of the Village-centre cluster is the site of Concord College. Other roads lead quickly out of the Village into rolling mixed-agricultural countryside.
5. No.4 is a two-storey house set only 25m from the crossroads. The house is two-storey with a low roofline, set front-of-centre in a small plot. The front section is small, comprising asphalt parking running past the northern corner of the house, and a very small fenced & hedged garden immediately in front of the house. The rear garden is enclosed, and larger than the front garden; at about 14m wide, but only 9m long. The north-west corner does extend a little further and holds a small garden shed. It comprises a narrow paved area behind the house; and lawn. Most of the rear (western) third of the rear garden is occupied by a long-established brick & tile shed or outhouse, with a raised patio to its south. This outhouse may have been extended east quite recently.

Local tree cover

6. The very centre of Acton Burnell is too compact to hold many trees. A large Portuguese laurel only 5m tall but dense-canopied stands near the village store on the side of the road about 28m south from the appeal tree. About 40m north east from the yew is a tall silver birch on the opposite side of the road, and beyond this are many trees set in gardens on slightly higher ground. About 30m due north from the appeal tree is a large apple tree in a front garden, and north west from the appeal tree are other small to medium-sized garden trees such as Leyland cypress and birch. Starting about 60m east from the yew is a row of very large mature oaks and limes lining the road.
7. Located 4.5m west from the appeal tree, and 1m beyond No.4's rear-boundary wall, is a similar yew in a larger rear garden. There are no other trees in No.4's plot.

Amenity value of the appeal tree

8. The appeal yew is 12m tall, with radial crown spread of 5m to the north, 5.5m east towards the house 5.5m away, 3.7m south, and about 3m west where it merges completely with the yew to the west. Although not large, the yew has a substantial trunk of 82cm diameter, suggesting previous crown reduction or pollarding of the tree. Therefore, it is an older tree, potentially even a veteran tree, which increases its overall amenity value.
9. At the site visit the lower section of the yew was hidden in views from public places by other houses. The upper half of the tree is a skyline landscape feature seen in views from roads and nearby properties from the north east, east and south east (off the central crossroads). In views from the west the appeal tree is largely obscured by the crown of the adjacent yew.
10. Acton Burnell Conservation Area is considered by the local authority to be enhanced by trees, not only for their aesthetic appeal, but also for benefits they bring of shade, shelter, screening, enclosure or privacy. In this respect the appeal yew clearly contributes to the character of the Conservation Area: because the species is suitable for its historic Village centre location, because this tree is old with some historic value, and because the compact Village centre is relatively devoid of other trees. In this respect I do not agree with the appellant that the yew provides low amenity value.

Impact of proposed felling on the local landscape

11. Removal of the appeal yew would slightly erode the amenity value of its immediate residential locality. However, I agree with the appellant that following felling of the appeal tree, the yew to its west would still provide a similar skyline arboreal outline in views south west, west and north west, which are the main opportunities for public view of the appeal tree. However, given the tree's age and contribution to the character of the Conservation Area, strong justification would be required for the yew's removal.
- ***Whether the reasons given for felling the yew tree are sufficient to justify that course of action.***

Tree location

12. The rear garden of No.4 is the property's main outdoor amenity space. It is relatively small. The appeal tree's canopy occupies the whole length of the garden, and a significant proportion of its width. The yew's crown is dense and evergreen, so shading and domination continue year-round. Light interception to the garden, and to rear windows of the house, is made worse by the presence of the adjacent yew to the west.
13. The local authority has permitted crown lifting pruning to 5m on the house side. I consider this insufficient to materially reduce the level of over-bearing and light interception caused by the tree. Pruning would have to be much harder: perhaps pollarding back to the main trunk, to provide any significant improvement to living conditions at the rear of No.4.

14. I note here the local authority's concern that no arboricultural reasons have been provided to support yew removal, such as hazard or subsidence damage. However, in this situation of such over-bearing by a tree in a small rear garden, I do not consider that technical reasons for felling are required.

Debris from tree

15. Most trees shed material throughout the year onto surfaces below. I have sympathy with the issue of berries making surfaces slippery. In isolation it would carry little weight as justification to remove the yew, but in this appeal I consider this issue adds to the over-bearing and dominance the yew imposes on the rear of No.4.

Replacement tree

16. I hesitate to require a replacement tree in the rear garden of No.4 because it is small. However, the yew is being granted for removal because this specimen is particularly dominant. There are many varieties of tree which can grow to a sufficient height to provide public amenity so close to the centre of Acton Burnell: about 10m, but can maintain a much narrower crown than the appeal yew. Therefore, on balance, it is appropriate to plant another tree, but subject to conditions in paragraph 1 above.
17. Suitable species could be birch, or another open-canopied tree, such as a common rowan (*Sorbus aucuparia*). The appellant's suggestion of a berry-bearing native tree is sensible, but a smaller tree such as a hawthorn or smaller variety of rowan would not be suitable. In order to provide visual impact, a replacement tree should be of reasonable size at planting, hence the requirement for Select-Standard nursery stock.
18. The local authority suggests any replacement is planted in the vicinity of the appeal tree. However, this might result in shading and suppression of its growth by the other yew, so a location further north might be appropriate.

Conclusions

18. The appeal yew tree is not tall, but it has a large and dense canopy. It provides high amenity value to the centre of Acton Burnell, and contributes to the character of the Acton Burnell Conservation Area.
19. The yew significantly over-bears and dominates the rear of No.4's house and its rear garden. This cannot be materially ameliorated by the pruning permitted by the local authority. Some of the appeal yew's visual amenity can be substituted by another yew to its west. Therefore, there is justification to remove this old yew tree.
20. For these reasons I grant the appeal to remove the appeal yew, T1 of the TPO, standing in the rear garden of No.4 Acton Burnell: subject to a replanting condition.

Jim Unwin Arboricultural Inspector.



This page is intentionally left blank



Appeal Decision

Site visit made on: 25 March 2014

By: **Jim Unwin BSCFor MICFor FArborA CEnv.**

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

Decision date: 8 May 2014

Appeal Ref:

APP / TPO / L3245 / 3679

At:

No.110 Portland Crescent, Shrewsbury, SY2 5NW.

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mr T Goodall, against the decision of Shropshire Council.
- The application Ref: 13/04143/TPO, dated 01 October 2013, was refused by notice dated 27 November 2013.
- The work proposed, refused and appealed is refusal of consent for felling one oak tree, T1 of the TPO.
- The relevant Tree Preservation Order (TPO) is the *Shrewsbury & Atcham Borough Council Tree Preservation Order (110 Portland Crescent)*, which was confirmed on 05 December 1984.

Decision

1. I dismiss the appeal to fell oak tree T1 of the TPO, standing in the front garden of No.110 Portland Crescent, Shrewsbury.

Main Issues

2. I consider the main issues in this appeal are:
 - the impact the proposals would have on the appearance and character of the locality, and
 - whether the reasons given for felling the oak tree are sufficient to justify that course of action.

Reasons

- ***The impact the proposal would have on the appearance and character of the locality.***

Character of the locality

3. Preston Street and Portland Crescent together with several short cul-de-sacs off them provide access to an extensive residential area on the eastern edge of Shrewsbury, about 2km east from the Town centre. Houses are all late Twentieth-century, and most are detached and two storey, set in smallish plots, typically with front gardens open to roads. This confers a spacious and open character to the locality. Local terrain is flat and level.
4. No.110 is set close to the junction of Preston Street and Portland Crescent, and opposite Reynauld's Close. The front garden is open to the wide public footway.

It is relatively short but wide: up to 30m across the frontage, with lawn and parking in front of the house, and tapering to a point at the southern end. The enclosed rear garden, located west of the two-storey house, is much smaller, and provides the property's outdoor amenity space.

5. No.95 Preston Street's house faces south, set near the front (southern) edge of a wedge-shaped corner plot. A long drive runs past No.110's front lawn to a concrete apron in front of No.95's garage, adjacent to the angle of No.110's plot.

Local tree cover

6. The locality around the southern end of Portland Crescent contains few trees. At the site visit I noted a row of small oaks forming a hedge on the southern side of Preston Street, about 45m south from the appeal tree. To the west of these small oaks are two large hedgerow oaks, the closest about 50m south west from the appeal tree. Some trimmed golden Leyland cypress stand on the south-east corner of No.95 Preston Street's plot, over 20m south from the appeal tree.
7. Starting about 45m to the north west of the appeal tree are several medium-sized trees including cherry, silver birch, weeping willow and Norway spruce, in older rear gardens of Highfields. The section of Portland Crescent near No.110 and nearby cul-de-sacs of Reynauld's Close, Patricia Drive and Winifred Close contain no significant trees.

Amenity value of the appeal tree

8. I measured the appeal English oak to be 10m tall. It has a broad canopy with radial spread of 6.2m north towards the house 6.5m away, 5.7m east towards the road 10.9m away, 6.5m south, and estimated 6m west over the boundary with No.95 Preston Street. The appeal oak is isolated, with no other trees anywhere nearby.
9. At the site visit the oak was the most obvious soft landscape feature in views north and south along the southern end of Portland Crescent, and is prominent in views west along Reynauld's Close. It provides a high level of visual amenity value to its residential surroundings, because there are so few nearby trees.

Impact of tree removal on the local landscape

10. Removal of the oak would erode the landscape around the southern end of Portland Crescent and adjacent sections of residential road. Reasonable justification would be required to justify its removal.

- ***Whether the reasons given for removing the appeal English oak are sufficient to justify that course of action.***

Root influence on No.110

11. The oak is 6.5m south from the side wall of No.110, and its canopy reaches within 0.3m of the house. Therefore it is likely roots reach the house. However, the distance is too great for there to be any risk of direct root pressure causing impact damage to any significant part of No.110's foundations.

Subsidence risk

12. The relationship between tree roots, house foundations and subsequent subsidence damage is not a simple one, and mere proximity is no predictor of future damage. No evidence has been presented to the appeal that subsoil underlying No.110 contains shrinkable clay, although Mr A. Dudgon of No.2 Reynauld's Close thinks the subsoil does contain clay. No evidence of any distress in the house has been provided, and I saw no evidence of cracking or movement from external view at the site visit. These are the initial factors which could trigger further subsidence investigation, usually by a householder's insurer. Therefore, on the lack of evidence provided it is hard to justify removing a healthy tree providing high landscape value such as the appeal oak.
13. I note here the comments by Mr Steve Delve of No.1 Reynauld's Close and Mr Geoffrey Harris of No.108, whose concerns for foundation damage presumably relates to No.110, not their own properties which are some distances from the oak.

Concrete garage hard standing behind No.95 Preston Street .

14. The concrete apron in front of No.95 Preston Street's garage has a central gully, leading to a drain which passes close to the appeal oak tree. This drain may be slow to dissipate stormwater, which Mr D. L. Roberts thinks may be due to root incursion by the appeal tree. No evidence of significant drain damage has been presented to this appeal to substantiate this concern. Further, as noted by the local authority, tree roots cannot enter a drain unless there are pre-existing weaknesses in joints, or the pipe is cracked. In rare instances in clay soils of high volume-change potential roots can cause sufficient soil movement to disturb drains and create openings which they exploit. Further, where roots do routinely enter drains, they can often be cleared of tree roots by routine cleaning, and can be lined to prevent future root incursion, without having to dig up the drain or remove the offending tree.
15. The concrete apron is not new, but is in generally good condition. At the site visit I noted only minor cracking and level changes. Any damage caused by underlying oak tree's root action is insufficient to justify tree removal.

Material falling from tree

16. Any tree sheds detritus throughout the year. The appeal oak will shed flower parts in spring, honeydew from aphids feeding on leaves in summer, leaves and acorns in early winter, and twigs in gusty conditions at any time of year. These can be a chore to clear away both for the householder of No.110 and for Mr Roberts whose concrete garage apron is partially under the canopy. Volume of debris may be justification for some lesser work such as pruning, but is not justification for tree removal.
17. Mr Harris suggests blown leaves from the oak are a hazard to road users. However, the road is open and exposed to winds which will dissipate leaves. The tree is relatively small and set well back, so only a proportion of leaves would ever reach the road or its footways. I place no weight on the potential hazard caused by leaves on the highway in this appeal.
18. Mr Roberts is concerned about safety of children playing under the oak tree. At the site visit I saw no evidence of structural weaknesses in the oak's crown. Most trees develop dead wood in the crown as new growth shades inner

branches. Dead wood can be removed periodically without requiring local authority permission.

Light

19. The oak is situated due south of the side wall of No.110. There is only one window facing the tree, so I do not consider direct shading of the house to be significant. When in leaf, shading by the oak is primarily to the front garden of No.110 from mid-day onwards, and to the rear garden until mid-day. I note here that the tree is not large, although it has the potential to grow larger. There is ample daylight reaching both gardens around and over the tree at all times of the day. Therefore I do not consider shading justifies tree removal.

Future growth

20. I note here, and agree with, the suggestion by Helen Ball that Shrewsbury Town Council could support some pruning: which would ameliorate light interception and over-bearing as the tree grows, but would not support tree removal. I am aware that the appeal tree has the potential to grow larger: also acknowledged by the local authority who are permitting 20% crown reduction which was last done 4-5 years ago. I also note the appellant's concern about cost of on-going tree maintenance. On balance, based on the tree's size and condition at this time, the amenity value provided by the oak tree to its locality does justify its retention; particularly as the local authority has permitted size-control pruning.

Other matters

Previous planning decisions

21. Mr Dudgon has sympathy for the appellant's current suffering resulting from a previous planning decision to allow building No.110 close to a tree. However, this appeal deals with the present situation, so I place no weight on historic decisions, particularly where few facts are presented.

Conclusions

22. The appeal oak is a medium-sized tree providing high amenity value to an open residential area, which does not contain many trees.
23. The oak does shade parts of two properties, does shed litter, and may have disturbed the concrete apron of No.95 Preston Street. None of these is significant.
24. There is no evidence of subsidence damage to No.110, nor evidence of significant drain interference by oak roots.
25. For these reasons I dismiss the appeal to remove oak T1, standing in the front garden of No.110 Portland Crescent, Shrewsbury.

Jim Unwin **Arboricultural Inspector.**

