



Date: Thursday, 1 May 2014

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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## **CENTRAL PLANNING COMMITTEE**

### **SCHEDULE OF ADDITIONAL LETTERS**

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 3 April 2014**

**2.00 - 5.58 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

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### **Present**

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Miles Kenny, Jane MacKenzie, Pamela Moseley, Peter Nutting (up to and including Minute No. 157) and Kevin Pardy

### **148 Apologies for absence**

Apologies for absence were received from Councillors T Bebb and D Roberts.

### **149 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 6 March 2014 be approved as a correct record and signed by the Chairman, subject to it being noted that Councillor Dean Carroll had submitted his apologies.

### **150 Public Question Time**

There were no public questions.

### **151 Disclosable Pecuniary Interests**

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

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

With reference to planning application 14/00190/OUT, Councillor P Nutting stated that a member of his family lived in close vicinity to the application site and, for

reasons of bias, he would leave the room during consideration of this item and not vote.

**152 Residential Development Site Land Off Falkland Road, Dorrington, Shrewsbury, Shropshire (13/02776/OUT)**

With reference to Minute Nos. 128 and 140, the Planning Officer introduced the application and explained that this application had been refused on 6 February 2014 (Minute No. 128) for the reasons set out at paragraph 2.1 of the report. A report setting out the risks of refusing the scheme was put to the subsequent meeting on 6 March 2014 (Minute No. 140) but was deferred in order that a reconsultation exercise could be undertaken with all properties with a boundary adjoining the revised site boundary. The report presented to Members at this meeting provided guidance in respect of the likely implications of refusing the application for the reasons set out at paragraph 2.1 of the report. The report also set out further additional representations received from Condover Parish Council and Shropshire Council's Public Protection Officers in respect of sewage treatment works. The Planning Officer continued to recommend approval of the proposal.

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

Members had undertaken a site visit on two previous occasions and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

Mr M Pritchard, 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 proposed route of the new footpath would take people further away from amenities and pedestrians, including children, would prefer to take the shortcut along the pavement that ran alongside the A49;
- The proposed new footpath would put people in conflict with vehicles where it enters the Lower Fold. The Lower Fold was used by residents and breakdown vehicles and was barely wide enough for vehicles and had no footpath;
- There was potential danger to children owing to the close proximity of the sewage treatment plant and a report from DEFRA stated that the planning of new residential housing should take in to consideration the location of sewage treatments plants; and
- The access to and from the A49 was notoriously dangerous and many fatal accidents had occurred.

Councillor E Marvin, representing Condover Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The proposed new footpath connects to Lower Fold via a narrow lane and constituted a serious danger, especially with an increased footfall which the new development would generate;
- The access along the A49 was dangerous and the proposed new footpath did little to alleviate the dangers for school children going to and from school;
- Consultation had not been achieved with people living on The Fold and the proposed footpath would cut through a resident's property; and
- The proposal would be contrary to the robust Dorrington Village Design Statement.

Councillor T Barker, the local Ward Councillor, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He supported the previous concerns regarding the proposed new footpath;
- This was an outline planning application and there would be no guarantee that it would increase the housing land supply but would only serve to increase the value of the land. However, he acknowledged that Shropshire Council was overdue with its five year land supply. He commented that any benefits made from the building of homes to create a stimulus to the economy would be short-term;
- Because of the limited employment opportunities in the area people would look elsewhere for jobs. This would mean that people would have to drive to and from the area to Telford, Shrewsbury etc; and
- He urged refusal of the proposal until the footpath issue and concerns had been resolved.

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

- Following the comments made by Members of this Committee at a previous meeting the applicant had agreed to provide a separate footpath which would avoid the need for pedestrians to use the footpath running alongside the A49, and agreement for this had been reached with appropriate landowners;
- The proposed dwellings would be in easy reach of all services and approximately 45% of the village of Dorrington lay on the eastern side of the A49;;
- The road to Lower Fold serviced very few dwellings;
- Severn Trent Water had confirmed that the number of vehicles needing access to the sewage treatment plant on a weekly basis was minimal and the plant was and would continue to be securely fenced off;
- There had been no objections from Shropshire Council Highway Officers and other consultees.

In the ensuing debate, Members continued to express their concerns with regard to highway safety along the A49, commented that the size and speed of vehicles using the road had never been monitored and suggested that many vehicles were breaking

the speed limit. They commented that the proposal was opportunistic and contrary to the Site Allocations and Management of Development Plan (SAMDev) and acknowledged the hard work of Condover Parish Council in producing a robust Design Statement and the lack of a five year land supply.

In response to comments from speakers and Members, the Planning Officer explained that the issue of the footpath, as raised by Members of this Committee, had now been addressed and the pedestrian access through Lower Fold would provide an alternative means of access; Shropshire Council's Public Protection Officers, Highway Officers and the Highway Agency had raised no objections; the original proposal had been for 28 properties; as the A49 came under the jurisdiction of the Highways Agency no guarantee could be given as to when the pedestrian crossing would be installed, however, it had been planned for and included in the programming schedule; a condition attached to any permission would ensure that the footway would be maintained and lit to a good standard at all times; whilst the section at the end of The Fold referred to as Brookfield did not form part of the adopted highway it was registered on the National Street Gazetteer; and drew Members' attention to "Connecting Shropshire" and the planned rollout of Broadband throughout the County.

In response to comments from Members, the Area Planning Manager reiterated that refusal would be extremely difficult to defend at appeal; the applicant had now provided an alternative route to that of crossing the A49; and at some stage a crossing across the A49 would be provided

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure an affordable housing contribution;
- A public footway across 'Lower Fold';
- The Area Planning Manager be granted delegated authority to ensure the footway across 'Lower Fold' be lit and maintained to a good standard at all times; and
- The conditions set out in Appendix 2 to the report.

**153 Land Between Mousecroft Lane and Longden Road, Shrewsbury, Shropshire (13/03920/OUT)**

With reference to Minute No. 118, the Planning Officer introduced the application and explained that this application had been deferred at the 9 January 2014 meeting for further negotiations in respect of the number of dwellings, the provision of recreation and leisure facilities and highway improvement works. Subsequently, the agent had confirmed that the scheme would now deliver up to a maximum of 175 dwellings. The location and amount of open space would be considered at the Reserved Matters stage, and Shrewsbury Town Council had expressed an interest in developing the play and open space facilities subject to further negotiations with themselves and the developer.

With reference to the drawings displayed, the Planning Officer drew Members' attention to the Highway improvement works. These works included the installation of a mini island in place of a T-junction along with the installation of a traffic signal controlled crossroads with push-button controlled pedestrian/cycle Toucan crossings at the Longden Road/Roman Road island. The results of the Transport Assessment by Mouchel had shown that the traffic signal junction would operate more efficiently than the current roundabout and was considered to be the best option when balancing out the needs of all road users, particularly students walking and cycling to the adjacent schools. This scheme would contribute approximately £525k towards the local highway network along this corridor. However, he explained that this was a Shropshire Council responsibility which would be required irrespective of this development. Local residents and Members had expressed concerns relating to the timing of the traffic surveys, particularly as it had been carried out in July 2013 at a time when all Year 6 students had left. Accordingly, the developer had conducted a new survey in February 2014 and had compared the data collected in recent surveys carried out by Shropshire Council, which had shown that the new survey had been in-line with the original. Further consideration had been given to the potential for increased traffic movements along Stanley Lane and Meole Village. However, the local Highway Authority had maintained the opinion that there would be no noticeable increase in vehicular movements for the following reasons:

- A traffic calming scheme and 20 mph zone, including speed cushions, had been installed during the summer holidays outside Meole Brace School on Stanley Lane;
- The existing constraints at Upper Road/Roman Road at peak times made this route unattractive as a 'rat-run'. Longden Road, whilst experiencing peak time delays, offered reliable journey times and, even if traffic signals were installed on the Upper Road junction only, the reliability of turning movements on to Roman Road would be improved. Therefore, Longden Road would be the desired route; and
- While it was accepted that some traffic would travel along Mousecroft Lane to access the A5 it was not considered to be as attractive due to the narrow rural nature of the lane. However, in acknowledgement of concerns raised, it was proposed to introduce a 30 mph speed limit or a 'Quiet Lane' scheme.

In response to the concerns expressed from the Meole Brace and Priory schools regarding blue light emergency responses from the ambulance hub, the Planning Officer explained that the introduction of 175 houses would have no impact on vehicle speeds nor should it impact on student safety. It was acknowledged that it

would not be desirable for blue light response vehicles to be travelling past the school at peak times but the drivers were fully trained professionals. A meeting with the schools to discuss and explore the potential to deliver a school zone had been agreed.

In conclusion, the Planning Officer explained that a request to travel down Nobold Lane during the site visit had not been possible.

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

Mrs G Kelsey, on behalf of many local residents and organisations, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- She expressed concern that the mini-roundabout would not address the issue of the high volume of traffic already using what was already a busy road; traffic assessment data had not been shared; and the hazard of ambulances responding to emergencies had been justified by virtue of the drivers being fully trained professionals;
- There were other Brownfield sites available;
- 175 dwellings would generate over 300 vehicle movements;
- Due to the height of the water table the site had been flooded and waterlogged for months and this occurred every year; and
- She urged refusal until improvements had been made to the highway infrastructure.

Councillor M Owen, 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:

- The planning reforms were putting pressure on councils to disregard democracy, and Councillors were being forced to approve planning applications that they would have previously refused;
- The Planning Authority should look to use Brownfield sites rather than Greenfield sites;
- No mention had been made with regard to Nobold Lane;
- The alterations to the cemetery island would not be sufficient to cope with the current volume of traffic let alone an increase in traffic that this proposed development would generate; and
- The report did not fully address the many issues raised and congestion and grid lock was already there.

Councillor R Evans, Ward Councillor for the adjoining Longden Ward, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He drew attention to the concerns of the Parish Council and reiterated his own concerns with regard to highway safety;



- He considered that the proposals would do little to address highway concerns. There had been no mention of Nobold Lane which was narrow and he considered that the use of this lane would increase; and
- Other applications for 80-100 homes were in the offing for this area

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

- The concerns expressed by Members at a previous meeting had now been reviewed and addressed;
- The Planning Officer was recommending approval;
- A planning balance should be taken weighing any benefits against any hard; and
- Highway Officers and Consultees had raised no objections.

In response to comments, the Senior Specialist – Planning Policy explained that this was one of Shropshire Council's approved sites and was now at the next stage of the SAMDev process; Brownfield sites were being prioritised but Greenfield sites were also required to help deliver the number of homes; and Shropshire Council had never put forward a proposal for the adjoining land nor a direct link to the by-pass.

In response to comments, the Planning Officer explained that the amount and location of open space provision would be determined at a later date when the exact housing numbers were known. In the absence of the Area Highways Development Control Manager (Central), who had submitted his apologies and was unable to attend the meeting because of prior commitments, the Planning Officer further explained that 'quiet lanes' were rural roads or networks of minor rural roads appropriate for shared use by a range of users, including walkers, cyclists, horse riders and other vehicles, and, where necessary, appropriate signage should be erected and traffic calming measures suitable for the size and character of the road installed.

In the ensuing debate, Members noted the comments of all speakers and continued to express their own concerns relating to highway safety, particularly with regard to the close proximity of the two schools to the site. They acknowledged that the site had been included in the final draft of the SAMDev process; and appropriate drainage conditions would be determined at the reserved matters stage. A Member requested that consideration be given to the provision of a footpath/cycleway along Longden Road.

**RESOLVED:**

That, subject to a Section 106 Legal Agreement to secure the developer contributions as set out in the Shropshire Council Policy response detailed in the report and to the conditions as set out in Appendix 2 to the report, the Area Planning Manager be given delegated authority to grant planning permission in accordance with the Officer's recommendation.

**154 Development Land Opposite The Crescent, Nesscliffe, Shrewsbury (13/04757/OUT)**

The Planning Officer introduced the application and explained that this was an outline application with all matters, excluding access, reserved for later approval. The site was located in an area of open countryside on the edge of Nesscliffe, had been promoted as a Community Hub and had been allocated under SAMDev as a suitable site for 15 dwellings. The aspiration of Nesscliffe Parish Council had been for 30 dwellings in total with developments being up to a maximum of 10 two-three bed roomed houses on any one site. 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. With reference to the drawings displayed, he drew Members' attention to the location, indicative layout and proposed access arrangements.

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 agent.

In the ensuing debate, Members acknowledged that the site had been allocated under SAMDev, but expressed concerns with regard to the junction to The Crescent and objected to the design and particularly the straight lines and sharp 90° bends. Members noted that the lack of Broadband was not a material planning consideration.

**RESOLVED:**

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

**155 Bicton Hall, Bicton Lane, Bicton, Shrewsbury SY3 8EU (13/04790/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 suggested an amendment to the wording of Condition No. 6 to ensure that a schedule of work relating to the repair of the wall should be approved prior to the occupancy of any dwelling. With reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Mr P Anderson, Clerk to Bicton Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The development would not be sustainable;
- The proposal would be contrary to Bicton Parish Council's SAMDev Plan;

- He was concerned that a further application for two further dwellings would follow;
- Approval of the proposal would set a precedent;
- He acknowledged the constraints Members were currently under due to the lack of a five year land supply but commented that Bicton Parish Council had worked extremely hard to produce its SAMDev policy. He urged Members to send a strongly worded letter of complaint with regard to the five year land supply to the Secretary of State.

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

- The proposal had been amended to take account of concerns;
- The number of dwellings had been reduced from four to two and drew Members' attention to the comments of the Shropshire Council's Conservation Officer as detailed in the report;
- All external buildings, including the proposed carports had been removed, which would mean minimal change to the appearance of the external wall;
- The access point into the wall would be handed from west to the east so as to take activity away from third parties. The point of access from the public highway however could not be closed as it was an existing access and served other land uses. Shropshire Council's Highways Development Control had noted the betterment of widening the existing access;
- The proposal constituted sustainable development as detailed in the report at 6.1.7 to 6.1.10;
- This form of development had long been widely used to fund the retention and repair of significant heritage assets through the United Kingdom;
- The dwellings would not be taller than the existing walls, so there would be virtually no visual difference to the setting of the walled garden within the adjacent landscape, thus ensuring that this aspect of its heritage value was not compromised;
- The contemporary design had been achieved following consultation with appropriate Shropshire Council Officers; and
- Significant funding would be made available through CIL and the affordable housing contribution to the benefit of other development plan objectives.

In response to questions from Members, the Area Planning and Building Control Manager explained that the design would be of a modern design, the applicant intended to use modern materials and as a minimum would have to meet Level 3 of the Code for Sustainable Homes, and confirmed that a condition removing permitted development rights would be attached to any permission.

**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; and
- The conditions as set out in Appendix 1 to the report, subject to Condition No. 6 being amended to read:

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

Reason: To ensure satisfactory preservation of the wall.”

**156 Dorset House, Dorset Street, Shrewsbury, Shropshire, SY1 2JB (14/00092/OUT)**

The Area Planning and Building Control Manager introduced the application and explained that this was an outline application with all matters reserved for later approval. 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, indicative layout, access and parking arrangements.

Councillor A Mosley, 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:

- Both he and Shrewsbury Town Council opposed the proposal;
- The proposal would be detrimental to the Conservation Area and would impact on the visual amenities of the area;
- Car parking was already a big problem in the area; and
- The proposal would breach a wall of great significance in Donkey Alley.

Mr Biddlecombe, applicant, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He was aware that this was a Conservation Area and would use appropriate materials; and
- Hedging would be erected between the two properties and the proposal would not impact on the view for people walking across the Castle Walk,

In response to comments and questions, the Area Planning and Building Control Manager explained that this was a Conservation Area and any development should preserve or enhance the nature of the area; content drawings could not be requested at this stage but Members could request that any matters reserved for later approval

be determined by Committee rather than be delegated to Officers; and if permission was granted any purchaser would be aware of the limited parking.

In the ensuing debate, Members expressed differing views. Some commented and expressed concerns that the proposal would be to the detriment of the area; it was already a high density area; parking was already a problem; and at times emergency vehicles would have problems accessing the area. Other Members supported the proposal and considered that the site would lend itself to a small property and there would be no sustainable defensible reason for refusal.

**RESOLVED:**

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

- That any matters reserved for later approval be determined by this Committee.

(The meeting adjourned at 4.31 pm and reconvened at 4.36 pm.)

**157 Land At Jubilee Farm, Church Road, Dorrington, Shrewsbury, SY5 7JL (13/00188 OUT)**

With reference to Minute No. 144, the Planning Officer introduced the application and explained that this application had been deferred at the previous meeting in order that the implications of the Planning Practice Guidance (PPG) released on the 6 March 2014 could be assessed prior to any decision being made. The PPG provided a streamlined version of other Government guidance, which had now been cancelled; however, this had not changed the status of the NPPF. With reference to the drawings displayed, he drew Members' attention to the location of the site. He confirmed that the site was located outside of the Dorrington village boundary.

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

Councillor E Marvin, representing Condover Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- Condover Parish Council continued to oppose the proposal on sustainability grounds;
- He expressed concerns with the access road which was narrow and in places only one car width and used by farm vehicles and horse boxes;
- Equestrian events attracted up to 100 vehicles per week;
- Users of the road did not conform to the speed limit;
- The Primary school was in close proximity to the site;
- There was no pavement to the site;
- The site was currently agricultural land; and
- Condover Parish Council had produced a robust SAMDev Plan following consultation and other sites had been identified

Councillor T Barker, the local Ward Councillor, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- Other sites had been identified in the SAMDev process and none of these had come forward for planning approval;
- The SAMDev process had been robust and based on localism;
- The development was speculative; and
- The proposal would not be sustainable.

At the request of the Committee, Councillor E Marvin provided clarification on the location of the proposed access.

**RESOLVED:**

That, subject to a Section 106 Legal Agreement to secure an off-site affordable housing contribution and to the conditions as set out in Appendix 2 to the report, planning permission be granted in accordance with the Officer's recommendation.

**158 Proposed Residential Development Land Off Limes Paddock, Dorrington, Shrewsbury (14/00190/OUT)**

Councillor P Nutting left the room in accordance with his declaration in Minute No. 151 above and did not return to the meeting.

With reference to Minute No. 143, the Planning Officer introduced the application and explained that this application had been deferred at the previous meeting in order that the implications of the Planning Practice Guidance (PPG) released on the 6 March 2014 could be assessed prior to any decision being made. With reference to the drawings displayed, he drew Members' attention to the location and indicative layout of the site and confirmed that the application site had been put forward by the landowner for inclusion in the SAMDev process but had been deemed to be unacceptable. He confirmed that the Highways Agency had raised no objections.

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

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

- He expressed his disillusionment with the planning process and urged refusal of the application; and
- How can planning applications outside development boundaries be approved.

Councillor E Marvin, representing Condover Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- This would be the third application to be considered in Dorrington, which undermined their design statement and credibility;
- This site was originally considered by the Parish Council but rejected on the advice of Planning Officers on the grounds that visibility would be limited;
- This application undermined the Parish Council, Shropshire Council and localism;
- The land was agricultural land and would be lost for ever;
- To grand permission would open up the flood gates for further applications;
- The proposal would not be in line with the wishes of the residents who had requested a mix of dwellings;
- Two other sites had been identified;
- Would create a ribboning effect; and
- Urged refusal on the grounds of difficult access, topography, loss of agricultural land and it had not been supported by Condover Parish Council.

Councillor T Barker, the local Ward Councillor, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- If there was such a need for housing the sites put forward in the SAMDev process would have been put forward for planning approval;
- This was an exploratory application;
- It would be an unsustainable development and would extend the village in such a visible way that would be detrimental to the area; and
- This was grade 3 agricultural land.

In the ensuing debate, some Members expressed concerns with regard to the route/track passing through the estate to the Sewage Treatment Plan; poor visibility off the access onto the A49; the screening boundaries between the dwellings would be too close and would consequently impact on the ability to maintain the boundary treatments in the future; the site was in open countryside and visible from some distance away; it would be contrary to SAMDev and the Parish Plan; it was grade 3 agricultural land; and would not be sustainable.

In response to the comments, the Planning Officer referred Members to the comments made by Severn Trent regarding the number of traffic movements on the application for Falkland Road and confirmed that the boundaries and boundary treatments would be approved at a later date.

#### **RESOLVED:**

That, subject to a Section 106 Legal Agreement to secure an affordable housing contribution, the conditions as set out in Appendix 2 to the report and subject to no new material considerations being raised as a result of the proposal being advertised as a Departure, the Area Planning Manager be given delegated authority to grant planning permission in accordance with the Officer's recommendation.

**159 Development Land Adj Leylands, Pulley Lane, Bayston Hill, Shrewsbury, Shropshire (14/00254/ FUL)**

The Area Planning and Building Control Manager introduced the application and explained that the site was located outside of the Bayston Hill Village Development Boundary. 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, indicative layout, access and parking arrangements.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor T Clarke, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. He commented that the proposal would be contrary to SAMDev and the site was outside the development boundary. He expressed concerns with regard to the site access and commented that the road was already inadequate and further dwellings would increase the number of traffic movements along this stretch of road. The proposal would also impact significantly on Spring Cottage.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Mrs J MacKenzie as the local Ward Councillor, took no part in the debate and did not vote.

Mrs E Kay, Clerk to Bayston Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The Parish Council had worked hard to identify sites during the SAMDev process;
- As the main access to Bayston Hill Pulley Lane was very busy and especially so at rush hour. Visibility was very poor, the banks were very high and heavily covered in foliage. The road narrowed along Pulley Lane and there were very few opportunities to park;
- The size of the properties suggested that children would live there and this gave rise to concerns for their safety;
- There was already a high proportion of three-bedroomed or more properties in Bayston Hill. Smaller and affordable housing was needed; and
- She urged refusal on the grounds of highway and access issues, there was no requirement for this type of housing and it was outside the development boundary.

In response to concerns that Officers were advising Members to determine the application "quickly", the Area Planning and Building Control Manager explained that he was not encouraging Members to determine the application in a speedy manner but purely advising Members that if the Committee was quorate there was a duty on Councillors to discuss the proposal.



Mr A Sheldon, the applicant, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- He explained that this was a small scale development;
- The application site was not a field or an extension into the countryside and no precedent for future extensions beyond Bayston Hill would be set;
- The proposed access was off an existing adopted highway;
- Shropshire Council could not demonstrate a five year land supply and there was a need for this type of housing; and
- An area of land would be gifted to the occupiers of Spring Cottage.

The Area Planning and Building Control Manager explained that although the site had not been taken forward in the SAMDev process as a preferred site it did not necessarily mean that it had been rejected as not being suitable for development. At the time of the SAMDev process other sites had come forward that had been seen as being more preferable.

In the ensuing debate, some Members expressed serious concerns with regard to highway safety, the access arrangements and the steep incline of the road. They commented that some of the properties would be significantly lower than the properties on the opposite side and the number of dwellings would result in an overcrowded development. Members acknowledged the issue regarding the lack of a five year land supply and noted that Highways had raised no objections. The majority of Members reluctantly supported the proposal.

In respect of the access, the Area Planning and Building Control Manager drew Members' attention to the comments of Highway Officers who had raised no objections. In terms of need, he explained that the need did not have to be specific to this area and Shropshire Council had a requirement to provide a specific number of homes across the County.

**RESOLVED:**

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

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

The Area Planning and Building Control Manager introduced the application and explained that he had received a request asking if consideration could be given to deferring the application in order that all parties could be represented and present during determination of the proposal. Councillor Jon Tandy, the local Ward Councillor, was currently unavailable and he had been given an undertaking that he would be informed when, or if, the application would be presented to Committee for determination.

By virtue of the amendment made to Shropshire Council’s Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillors T Clarke and Mrs J MacKenzie as the local Ward Councillor, took no part in the debate and did not vote.

**RESOLVED:**

That consideration of this application be deferred to the next meeting in order that all parties could be represented and present during determination.

**161 Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 3 April 2014 be noted.

**162 Date of the Next Meeting**

Members requested that the following be minuted:

- A Member expressed his displeasure that some Councillors had referred to the Chairman by his Christian name during the meeting.
- A Member expressed his displeasure that Members of this Committee had left the meeting prior to all applications being considered and determined.

**RESOLVED:**

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

Signed ..... (Chairman)

Date: .....



Committee and date  
 Central Planning Committee  
 1 May 2014

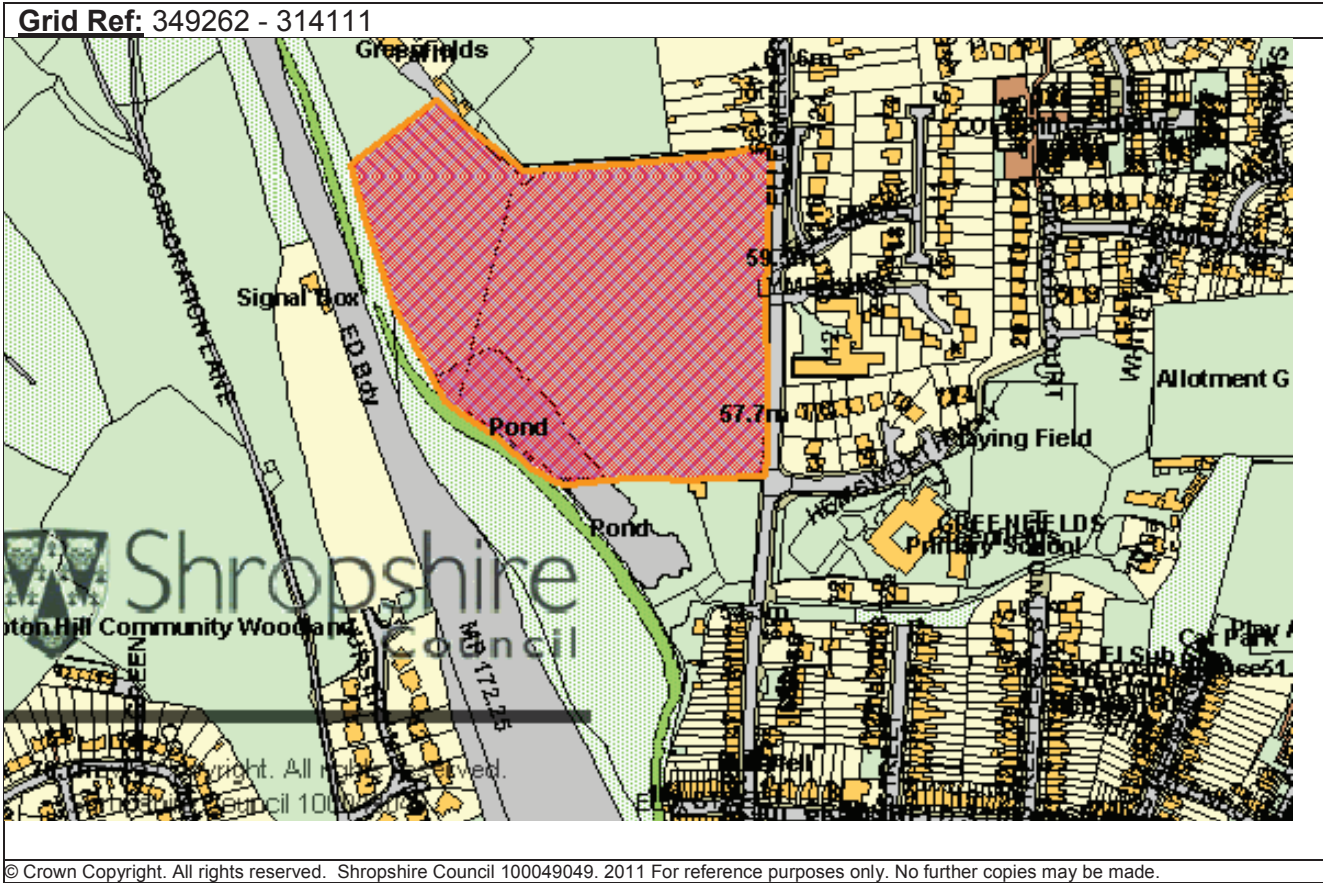
Item  
5  
 Public

## Development Management Report

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

### Summary of Application

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



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure the 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** - The surface water strategy and layout are acceptable in principle. However Highways Development Control is not prepared to take responsibility for the drainage system as proposed. Confirmation is required whether the infiltration trench shown on Figure 5 of the FRA is a soakaway or an infiltration basin. A request was made that the soakaway should be designed for a 100 year plus 30% return period. A 30 year design is still shown on Figure 5 of the FRA. Paragraph 4.3.1 does not address the comment made on 27 January where it was pointed out that typically, highway gullies will accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. Confirmation is required that the gullies will be able to convey the 100 year plus 30% storm to the piped network. Paragraph 4.3.1 suggests that overland exceedance flow has not been considered. Evidence is required that the adjacent property owners have been consulted regarding the potential increased fluctuation in the existing pond level due to its use as an overflow.

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 Archeology (Historic Environment)** - No comments to make on this application with respect to archaeological matters.
- 4.1.9 **SC Affordable Houses** - The affordable housing contribution proforma 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](mailto: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.
- ❑ 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.

## 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 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 Shropshire Councils drainage engineers have agreed that the surface water drainage strategy and layout are acceptable in principle but requested additional information regarding how the proposed surface water drainage system will be designed to cater for a 100 year rainfall event with a 30% allowance for climate change and confirmation of how the surface water generated during such an event will enter the proposed surface water drainage system without causing flooding issues. Satisfactory and additional information has been received but Figure 5 of the FRA still shows a 30 year design and not a 100 year design and confirmation is required that the gullies will be able to convey the 100 year rainfall event plus 30% to the piped network. Confirmation is also required whether the infiltration trench shown on Figure 5 of the FRA is a soakaway or an infiltration basin. The applicant has been contacted to provide this information.
- 6.5.3 Drainage have 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 30 metres from the boundary. The pond is an existing feature but the infiltration trench (soakaway) will be more than 30 metres from the boundary. The pumping station will be 10 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.

## 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 informatives 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. 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

<b>List of Background Papers:</b> File 13/05124/FUL
<b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price
<b>Local Member :</b> Cllr Dean Carroll
<b>Appendices</b> 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. 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.

4. 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.

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

5. 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.

6. All hard and soft landscape works shall be carried out and maintained in accordance with the Landscape Management Plan (Dec 13 REV A) 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.

7. 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.

8. 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.

9. 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

10. Prior to the first occupation of the dwellings an independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the

installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

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

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

11. 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.

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Committee and date  
 Central Planning Committee  
 1 May 2014

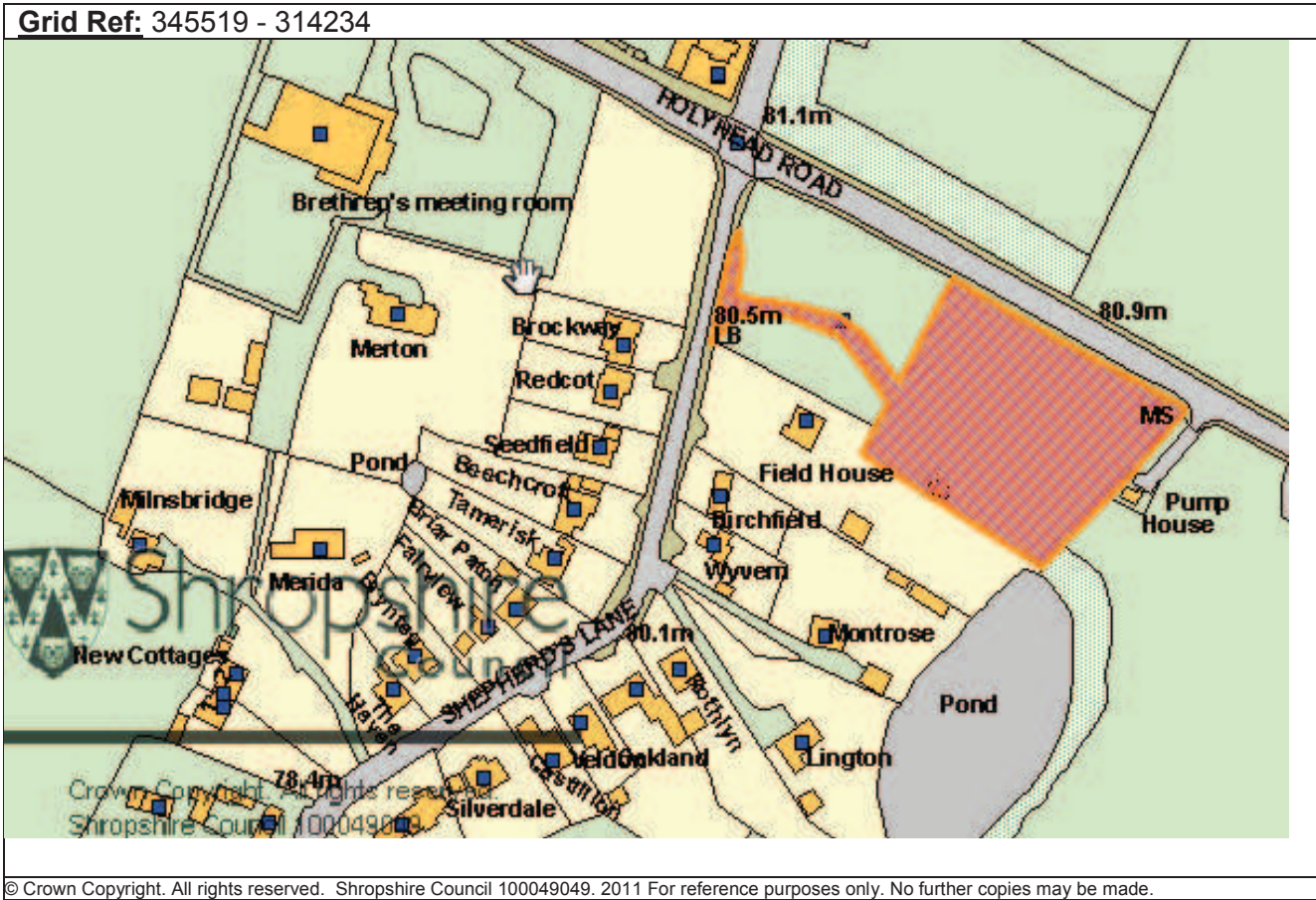
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 Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/01105/FUL	<b>Parish:</b>	Bicton
<b>Proposal:</b> Erection of 6 No dwellings and formation of access		
<b>Site Address:</b> Land Adj. Field House Shepherds Lane Shrewsbury Shropshire		
<b>Applicant:</b> Hawk Homes (Bicton) Limited		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application relates to the erection of 6 dwellings and the formation of an access via a recently approved development for three dwellings (13/02988/FUL).

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a field adjacent to and to the North of the rear garden of Field House. To the West and to the front of the site is a field which already has planning permission for 3 houses to be accessed off Shepherds Lane, and work on this development has commenced. There is a mature boundary hedge and trees along the Northern boundary with Holyhead Road, there is a field and ST pumping station to the East and to the South is the garden of Field House.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 **SC Drainage** – Recommends conditions and informatives.

4.1.2 **SC Ecologist** – Has provided standing ecology advice on the survey requirements for planning applications. Provided the following comments on the site approved for 3 dwellings in November 2013:

There is a pond within 100m of this proposed development which Jackie Underhill (2012) concludes is unlikely to host Great Crested Newts. The Addendum to the Preliminary Ecological Appraisal by Jackie Underhill (September 2012) contains a Habitat Suitability Index for the pond which is 0.53 below average. The confirmed presence of carp, roach and pike in the pond make the presence of Great Crested Newts unlikely. Jackie Underhill (September 2012) recommends some basic precautionary methods of working to protect amphibians. The site has potential for foraging and commuting bats though none of the trees on the site or in the adjacent hedgerows have potential for roosting bats according to Jackie Underhill (2012). The site has the potential to support common reptiles. The Ecology Survey Update Summary Report conducted by Dr Jackie Underhill (July 2013) recommends reptile precautionary measures. The site has the potential to support nesting birds. Recommends conditions and informatives regarding all of the above



- 4.1.3 **SC Affordable Houses** - The affordable housing contribution pro forma accompanying the application indicates the correct level of contribution and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.1.3 **SC Highways** - The proposed scheme uses the private driveway and highway access approved in application 13/02988/FUL for 3 dwellings and extends the driveway into an adjacent field, where permission is now being sought for a further 6 houses. Considers that the previously approved highway access and private driveway are satisfactory to provide a means of access to dwellings from the public highway. Although the vehicle movements at the previously approved access onto Shepherds Lane will be significantly intensified by the scheme, considers it has the capacity to accommodate all those now likely. Considers that a standard refuse vehicle would not be able to turn within the layout shown and recommends that this is amended to correspond with the example shown in the County's Specification for Industrial and Residential Estates. The highway authority raises no objections to the granting of consent but raises concern about the layout of the proposed turning head at the end of the private driveway.
- 4.1.4 **SC Public Protection** – Specialist - Public Protection has identified the development site as potentially contaminated land as a planning permission was granted on 2nd April 1957 for the use of land as a refuse tip at Field House, Shepherds Lane, Bicton. The permission stated that 'top soil shall be removed from the site before tipping operations commence and stored in order that it shall be spread over the site upon completion of the operations'. There is a plan but unfortunately it is impossible to identify exactly where tipping took place. The implication is it is in Field 505 (that corresponds to the proposed development site), but field boundaries have changed since then'. Full conditions in respect of contaminated land were recommended on all previous applications because of not only the potential for landfill gas but also contamination within the landfill material. Application 12/03553/FUL was withdrawn but 13/02988/FUL was approved. However, unfortunately a Phase I Desk Study was submitted and the conceptual site model identified the landfill site as detailed on the GIS (Environment Agency). This however does not correspond to where the historical planning application showed it. The condition was discharged on the basis of gas protection only as the landfill was shown to be off the site however this may not be the case. Therefore if this application is approved a detailed site investigation will be required. Full contaminated land conditions are recommended if this application is granted approval.

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 a condition regarding this is recommended.

## 4.2 - Public Comments

- 4.2.1 **Bicton Parish Council** - Strongly objects to this application for the following material planning considerations:

The proposal is unsustainable because;

- 1, The access is too near to Four Crosses cross roads.
- 2, Vehicles break the speed limit on the B4380 and will continue to do so until engineering works force traffic to slow down. These engineering works depend on finance becoming available and this is not likely to happen for some time. This alone makes this application unsustainable.
- 3, This is ribbon development. It has long been accepted that ribbon development is unsustainable.
- 4, An environmental impact assessment will reveal that more than 1000 houses are in the pipeline in this locale, this is unsustainable.
- 5, This land was once landfill, it is contaminated land.
- 6, There are serious drainage problems which already have a detrimental effect on neighbouring properties. This alone makes this proposal unsustainable.
- 7, It is agreed, between BPC and Shropshire Council planning policy department that this area should be kept as a green belt between Shrewsbury and Bicton. This alone makes this proposal unsustainable.
- 8, Although the SAMDev is 'out of date' this proposal is outside the SAMDev area and the SAMDev will soon pertain. The SAMDev proposals were drawn up as sustainable development. This evidence of the unsustainability of this proposal is incontrovertible.
- 9, The plans show a turning place that is not big enough for a dust cart to turn. This would mean such vehicles, (delivery truck, oil tankers, etc,) would have to back on to the B4380. This is unsustainable.
- 10, One of the houses would be 1 metre from the boundary of The Fields. This is too close. The plan states that the boundary is a hedge, it is not, it is a post and rail fence.
- 11, The proposed design of the houses is not suitable for the Bicton setting.
- 12, There is no provision for affordable housing, which is what Bicton needs.

BPC requests that before any decision is made, or recommended by an officer, that an Environmental Impact Assessment is carried out.

BPC further requests that if the officer recommendation is for approval then this application should go to the planning committee.

#### 4.2.2 Three letters of objection received from local residents summarised as follows:

- ☐ Did not object to the three already approved but objects to a total of nine
- ☐ Bicton is desperately short of affordable housing, so young people can remain in the village, this development only offers large houses.
- ☐ The access to the site was designed for 3 houses not 9 and will be too narrow and congested at peak times.
- ☐ The development will involve a lot more vehicle movements not only of residents but tradesmen, delivery vehicles, utilities etc, thus increasing the movement of traffic out of the narrow access on to Shepherds Lane in close proximity to the accident black-spot at the crossroads at Holyhead Road.

- ❑ Has any thought been put towards the creation of a mini roundabout at this junction and should the developer contribute towards traffic calming measures to counter issues that they are creating.
- ❑ Shepherds Lane is a narrow road with no pavements or street lighting and a weight limit for heavy vehicles, and local residents who wish to walk or cycle already find it hazardous.
- ❑ Local children wait for the school bus opposite the new entrance to Shepherds Way, increased traffic will cause major safety issues for them and cars pulling into Shepherds Lane from Holyhead road.
- ❑ Concerned there is insufficient parking.
- ❑ This land is outside the boundary of the Four Crosses Cluster agreed between BPC and SC has been designated 'open countryside' by Bicton Parish Council.
- ❑ The neighbouring pond and fields are rich in wildlife and building so close will result in degradation of this natural environment.
- ❑ The proposal represents ribbon development along Holyhead Road
- ❑ Residents of Bicton have made it clear they wish to retain their separate, distinctive village status, rather than become a suburb of Shrewsbury.
- ❑ This development will change the building line and set a precedent for further development for building on other green fields and gardens in the area which is not in keeping with the character of the lane.
- ❑ The site does not front on to Shepherds Lane, as the Phase 1 development does, but is a back-land development that requires a new access road to service the site.
- ❑ There is a major drainage problem on the site and the land is waterlogged which already causes flooding to the neighbouring property and the road. Concerned about the drains and flooding and whether adequate assessment has been made of the impact of nine extra nine dwellings in terms of sewerage and run off from what was once a green field.
- ❑ There is evidence that this site was a former refuse tip and disturbing the ground may result in pollution. This issue should be thoroughly investigated before planning is considered so that risks to users, variety of wildlife, fish and fowls on the pools, ecological systems are minimised.
- ❑ The turning head shown on the submitted drawings is inadequate for larger vehicles such as refuse collection vehicles and oil tankers and the recommendation to enlarge the turning head will impact severely on the privacy of the neighbouring property, accompanied by noise, dust and smell from these vehicles next to what is currently a residential garden.

- ❑ Privacy of the land at Field House will also be severely affected by siting of Unit 9 so close to the post and rail boundary fence which would result in loss of amenity and enjoyment of the property. The comment in the Planning Statement that ' no habitable room has windows facing the garden ' is not true. The annex is occupied by a disabled person who has views over the fields and this would be completely obscured by this development.
- ❑ The proposal gives no consideration for the existing community and will detract from the rural character of Bicton village and reduce the value of existing properties, thus rendering the development unsustainable.

## 5.0 THE MAIN ISSUES

Principle of development  
 Layout, scale, design and appearance  
 Highways/Access  
 Impact on Residential amenity  
 Drainage  
 Ecology  
 Contaminated land  
 Trees and Hedges

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

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

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

and that

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

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

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

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

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

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

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

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

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

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

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

6.1.9 Environmental role – The site is a field with no heritage, cultural or ecological designation. It is agricultural land with little ecological value with the only feature of any ecological value being the roadside mixed hedgerow that will be retained and

enhanced. The proposal would have no adverse impact on protected wildlife and the ecological value of the site will be improved by conditions requiring the provision of artificial bird nests. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Oswestry.

6.1.10 It is therefore considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. It is considered that the settlement can accommodate additional dwellings outside the development boundary identified within the Draft SAMDev, subject to a satisfactory scale and design, and that the development would be acceptable in principle and should be supported provided there are no adverse impacts that would outweigh the benefits.

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

6.2.1 The submitted Design and Access statement provides an assessment of the context of the site and architectural styles of nearby properties. The site is situated off Shepherds Lane which mainly comprises large detached houses and bungalows situated within large plots that display a variety of architectural styles and building materials. The proposed plot sizes reflect the plot sizes of surrounding houses and the scale and design of the proposed dwellings will be the same as those already approved for the front of the site which are similar in size and height to the existing house (Field House) immediately adjacent to the site. It is therefore considered that the proposal will not appear cramped within the site and although comments have been made that smaller more affordable homes are needed a denser development of smaller houses would not have been appropriate for this site and would have resulted in a further intensification of traffic at the access. It is also considered that the design and appearance of the proposed dwellings is acceptable and as outlined in the Design and Access statement will pick up architectural features of buildings in the locality including steeply pitched roofs with varying heights and timber detailing on the front projecting gables, stone heads and cills, chimneys, and traditional window designs. It is therefore considered that the scale, design and appearance of the proposed dwellings are appropriate and will complement the surrounding properties and would have no adverse impact on the character and appearance of the locality. Comments have been made that the proposal is 'ribbon' development and 'backland' development. However it is not considered that the proposal is ribbon development as it does not extend in a long line fronting and accessed off Holyhead Road. The boundary hedge along Holyhead Road will remain intact and the site will be accessed via the existing development site and the rear boundary of the site is in line with the rear gardens of the houses accessed off Shepherds Lane. The development could therefore be described as 'backland' development but there is no presumption or policy against development behind existing development provided there would be no adverse impact of doing so. The impact on the adjacent house 'Field House' will be considered in 6.4 below and in any case houses situated behind existing houses are already a feature in Shepherds Lane.

### 6.3 Highways/Access

6.3.1 The access to the site will be via the new access to serve the previous approval for three dwellings. Concerns have been raised about road safety due to increased traffic and the proximity to the busy crossroads junction with Holyhead Road. However Highways considers that the previously approved highway access and private driveway are satisfactory to provide a means of access to the additional dwellings and that although the vehicle movements will be intensified, considers it has the capacity to accommodate the additional vehicles. It is not considered that the proposal would have any highway safety implications. There was initial concern that a standard refuse vehicle would not be able to turn within the layout shown but amended plans have been received that indicate a turning head at the end of the private driveway sufficient to allow the turning of refuse vehicles. The proposal includes provision of adequate parking areas for each new dwelling and conditions will be imposed to ensure that these are adequately formed and drained and maintained.

### 6.4 Impact on Residential amenity

6.4.1 The main dwelling that this proposal could affect is Field House to the South of the site. This is a large detached dwelling fronting Shepherds Lane with a long garden that extends to the rear. A single storey annex to the main house has a secondary bedroom window facing the site that currently provides views of the field. However there is no right to a view and it is not considered that the nearest dwelling on plot 9 would appear overbearing or obtrusive or result in a loss of light. The nearest part to the boundary of this proposed dwelling will be a single storey garage and the proposal includes the erection of a 2 metre high fence along the boundary between Plot 9 and the garden of Field House. The proposal would therefore not result in overlooking to or from the windows in the annex of Field House. The house on plot 9 has also been designed to have only bathroom windows at first floor level in the side elevation that will face Field House and its garden and provided a condition is imposed to ensure that no additional first floor windows are added to these elevations the proposal would not result in overlooking or a loss of privacy for this existing property. Residents of Field House are concerned that the traffic on the access drive and particularly the turning head will result in noise and disturbance. However the proposed drive is not adjacent to the boundary and the drive will be separated from the boundary with Field House by the house and garden on plots 1 and 9.

### 6.5 Ecology

6.5.1 An ecological report based on a survey undertaken in 2012 and an updated survey and report undertaken in summer 2013 has been submitted which concludes that the site has limited ecological value. The proposed development will result in the loss of 0.5ha of semi-improved grassland which has low/moderate local value and is not a protected or priority habitat. There is a pond within 100m of the proposed development site and the previous and revised ecological report submitted confirms no evidence of protected species including newts. The site has potential for nesting wild birds and for foraging and commuting bats though none of the trees or hedgerows has potential for roosting bats. It is therefore considered that the



proposal will not cause an offence under the Conservation of Habitats and Species Regulations but it is recommended that informatives regarding precautionary methods of working and the protection afforded to newts, bats and wild birds are included on the decision notice.

## 6.6 Drainage

6.6.1 Concerns have been raised about existing drainage problems and that the buildings and hard surfacing on the site will make the drainage problem worse. The Councils drainage engineers have confirmed that full drainage details can be subject to conditions and submitted later for approval prior to commencement of any development. Full details of the surface water and foul drainage will be considered as part of building regulation approval, and informatives can be imposed advising what is required. A condition will be imposed regarding surface water drainage of any non-permeable driveways and to ensure that the finished ground levels fulfil the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers to ensure that the development would not result in surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. The proposed conditions combined with compliance with Building Regulations approval will ensure that the surface water drainage from the new roofs and hard surfaced areas will be undertaken in a sustainable manner and will not risk flooding of neighbouring properties or the highway.

## 6.7 Contaminated land

6.7.1 Public Protection have confirmed that part of the site was previously landfill and therefore recommends full contaminated land conditions are imposed on any approval. The PC has requested an environmental assessment but the proposed development does not trigger the need for an Environmental Impact Assessment under the Town and Country Planning (EIA) Regulations.

## 6.8 Landscaping/Trees and Hedges

6.8.1 The site is currently an overgrown field with mature trees and hedgerows predominantly to the Northern Boundary with Holyhead Road. The proposed layout indicates that this will be retained and additional native trees and hedgerow planted to all boundaries. The proposal (and the construction phase) has potential to impact on the RPAs of the existing hedgerow and trees. A tree protection condition will therefore be required to be imposed on any permission.

## 6.9 Developer contributions

6.9.1 The agent has signed the S106 pro forma confirming that the applicant is willing to enter into a S106 agreement to secure the relevant AHC of £81,000 and the scheme is also liable for a CIL payment of £102,872 which will provide financial contributions towards infrastructure and opportunities identified in the Bicton and Four Crosses Place Plan.

## 7.0 CONCLUSION

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

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS4, CS5, CS6, CS11 and CS17

RELEVANT PLANNING HISTORY:

13/02988/FUL Erection of 3 Dwellings with formation of new access GRANT 20th November 2013

11. Additional Information

List of Background Papers: File 14/01105/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr John Overall
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. Prior to the commencement of development a contoured plan of the finished ground levels should be submitted for approval to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. The development shall proceed as approved.

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

4. A) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

B) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

D) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

E) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

5. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The submitted scheme shall include the provision of chestnut pale or similar form of protective fencing to BS5837 : 1991 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works

Reason: To prevent trees or hedgerows on site from being damaged during building works.

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

6. The means of access, including the layout, construction and sightlines, and the turning and parking areas indicated on the approved plans shall be fully implemented prior to the occupation of any part of the development.

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

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 and prevent it flowing on to the public highway. The approved scheme shall be implemented prior to the first occupation of the dwellings.

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

8. The works on the site to which this consent applies shall be strictly in accordance with the Ecology Survey Update Summary Report conducted by Dr Jackie Underhill (July 2013)

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

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

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

11. A total of 6 Schwegler 1B Nest Box suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on site prior to the first occupation of the buildings hereby permitted.

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

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

12. The first floor windows in the South facing side elevation of unit 9 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  
 1 May 2014

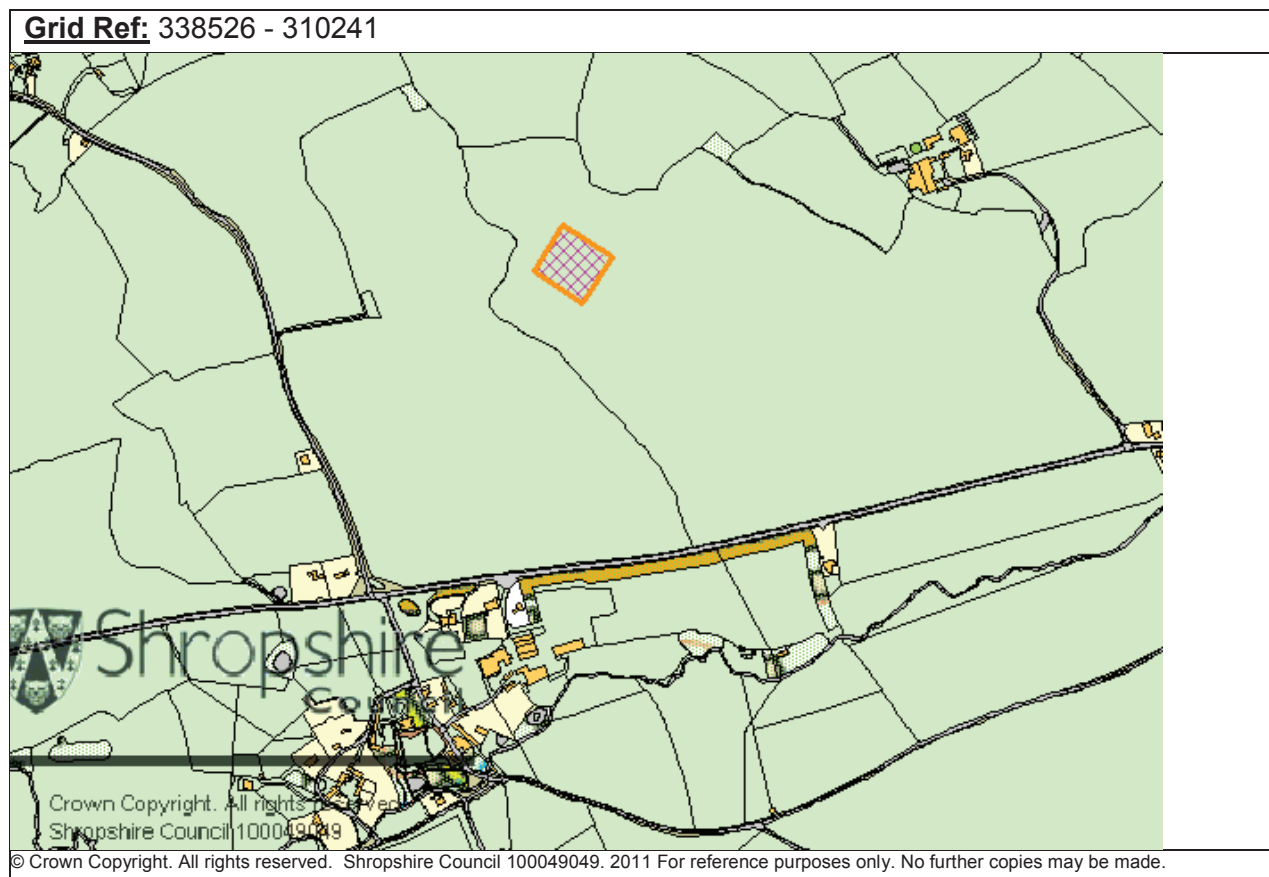
Item  
**7**  
 Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/00328/EIA	<b>Parish:</b>	Westbury
<b>Proposal:</b> Erection of two poultry sheds; associated hard standing; feed bins; dirty water storage tank and landscaping works		
<b>Site Address:</b> Bank House Poultry Yockleton Shropshire		
<b>Applicant:</b> PF & MJ Williams & Son		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the extension of the existing broiler poultry unit at Bank House Farm, Yockleton, which comprises two poultry sheds and associated development erected in 2013. It is proposed to expand the enterprise with the erection of two poultry sheds, each housing a maximum of 45,000 birds. Each shed, including attached store rooms, would measure 103.6 metres by 24.4 metres, with a shallow pitched roof 4.7 metres high at the apex and 2.6 metres at the eaves. The proposed sheds would be sited adjacent to the existing sheds, on agricultural land to the north-east, and oriented to match the existing sheds.
- 1.2 The buildings would be of steel frame construction with profile steel sheeting to clad the gable ends, sides and roof, and concrete block dwarf walling to 0.45 metres high. The external colour would be slate blue, to match the existing sheds.
- 1.3 Five feed bins of steel construction would be constructed. Each would be 7.5 metres high and 2.8 metres in diameter, coloured slate blue. Three of these would be positioned between the two poultry sheds, and would store feed for the birds. Two would be positioned at the outer side of each shed, and would store wood pellets for the biomass boilers which would be located within the store rooms. The concrete manoeuvring area in front of the existing sheds would be extended. The existing permitted landscaping scheme comprises the construction of a perimeter bund around the sheds and the planting of trees and shrubs. This scheme would be amended to provide for the provision of a landscaped bund around the extended site.
- 1.4 Summary of production cycle: Day old chicks are brought to the site from a UK hatchery and place into the pre-warmed poultry sheds. The bird cycle is normally 42 days, with approximately 50% of the crop being removed at day 35 and the remainder at the end of the cycle. This chick collection activity would be likely to begin at night and continue into the day with movements spread out over an 18 hour period. During the growing period feed would be delivered in 28 tonne lorries with the volume of feed needed increasing towards the end of the cycle.
- 1.5 Following the collection of the birds at the end of the cycle there is a 6 day turnaround period in which the manure is removed from the sheds and transported off site. The manure is utilised by the farming business, either spread directly onto land or stored in in-field heaps ready to be spread. This element of the process does not form part of the application submitted. The sheds are then washed and sterilised in preparation for the arrival of the next batch of chicks. The bird cycle would be aligned with that of the existing sheds. There would be an average of 7.6 batches per year.
- 1.6 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 site is located approximately 1.2km to the north west of the village of Yockleton, approximately 8km to the west of Shrewsbury, and within an area of open countryside. The application site covers an area of approximately 8000m<sup>2</sup> adjoining the existing poultry unit development. Access to the site would be gained using the existing purpose-built access track which is approximately 550 metres long and connects to the B4386 to the south-east.
- 2.2 The nearest residential properties are located in and around Stoney Stretton, approximately 400 metres to the south-west and south (including Hi Field, Barnfield, Athgarvan and Fairfield), and Park Farm, approximately 450 metres to the east.
- 2.3 A public right of way crosses the access track at a point approximately 400 metres to the south of the site, and is approximately 310 metres from the site at its nearest point.

## 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 **Westbury Parish Council** Supports the application, as it is an important initiative for jobs and opportunities in the rural economy, and is similar to previous schemes.
- 4.1.2 **Environment Agency** At the time of writing this report, the updated formal comments of the Environment Agency were awaited. However the Agency has confirmed that they will be raising no objections to the proposed development. The Agency previously raised an objection to the proposal on the basis that the Environmental Statement (ES) is not considered sufficiently robust at this time and that the applicant should provide further information to fully consider the likely environmental effects of the project.

Additional information has been provided by the applicant's agent in relation to odour assessment, and following on from this the Agency has confirmed that it is able to remove its previous objection.

The Agency's interim comments are set out below.

Odour: The Agency agrees with the comments and findings of the modelled results within the odour assessment report, which indicate odour during the crop cycle is unlikely to cause annoyance. Whilst the crop cycle does not appear to present a problem, the Agency had sought some clarity on clean out. In attempt to address the clean out the applicant has submitted an Odour Assessment Technical Note which has used a higher odour emission rate of 1.22ou<sub>E</sub>/bird/s which is considered to be representative of 'end of crop cycle'. This would be considered worst case for odour emissions from the crop cycle. It is noted that this rate has been used throughout the model and is unlikely to cause annoyance, based on the predicted 98<sup>th</sup> percentile odour concentrations.

In the absence of a modelled clean out figure (odour emission rate) the information does acknowledge the odour could be four times greater than the normal operational scenario. Based on our present understanding complaints maybe therefore likely during clean out. However, it is acknowledged that clean out occurs infrequently “4 hours for 7.6 times per year”. In this instance bearing in mind the distance to the nearest sensitive receptor and the predominate wind direction, an options appraisal could inform the most suitable technical option.

The operator will be required to have an Odour Management Plan (OMP), controlled as part of the Environmental Permit (EP), to reduce odour emissions from the site. However, this still may not necessarily prevent all odours at levels likely to cause annoyance; and the OMP requirement is often a reactive measure where substantiated complaints are encountered. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level.

The e-mail from the Consultant does suggest some control measures which could be used to reduce the likelihood of odour annoyance during these essential work periods.

Biomass Boilers: It is understood that two 199kW biomass boilers are proposed. Based on the capacity of the biomass boilers and the proximity of the site to designated sites, a quantitative assessment of air emissions will not be required in this instance.

In the context of both of our organisations role as ‘competent authority’ under the terms of the Conservation of Habitats and Species Regulations (2010), we trust that the above gives you sufficient reassurances in coming to a decision under your role as ‘competent authority’ in the planning process.

Surface Water: Further to our previous comments it is noted that the applicant has submitted additional information confirming that the proposed drainage scheme is designed to provide storage for a 1 in 100 year plus a 20% allowance for climate change. We would leave the detail of this for consideration by the LLFA.

Environmental Permit: The Agency issued an Environmental Permit (EP) for 180,000 birds on the site in 2012. The existing permit will require a variation to accommodate the two additional sheds proposed. The EP and any future variations covers the following key areas of potential harm:

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

Paragraph 122 of the National Planning Policy Framework (NPPF) states “...local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of the processes or

*emissions themselves where these are subject to approval under pollution control regimes.” To clarify, we would not seek to ‘control’ the proposals through planning, those matters that may be controlled through the permit. But, the planning authority should seek adequate ‘assessment’ of material planning issues (odour, noise, etc.) when considering the impact of the use at the proposed location. This is to ensure, as the NPPF states, that the location/land use is appropriate and acceptable. To assist the planning decision, the “effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account”.*

Ammonia Emissions: The emissions from poultry can potentially impact on nearby nature conservation sites, directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. The Agency completed an initial ammonia screening assessment on 2 December 2013 to identify whether the applicant would be required to submit a detailed modelling assessment. The first stage of the screening assessment seeks to identify if there are any European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites) within 10km, Sites of Special Scientific Interest (SSSI) with 5km and other conservation sites within 2km. Based on the information submitted as part of the screening assessment (including a total of 200,000 bird (broiler) places), it has been concluded that detailed ammonia modelling will not be required. An appropriate assessment as part of our Habitats Regulations Assessment (HRA) will therefore not be required.

In the context of both of our organisations role as ‘competent authority’ under the terms of the Conservation of Habitats and Species Regulations (2010), we trust that the above gives you sufficient reassurances in coming to a decision under your role as ‘competent authority’ in the planning process.

Noise: Our permit guidance advises that noise should be considered where there are sensitive receptors (i.e. residential properties) located within 400m of the proposed installation. The applicant has submitted a Noise Impact Assessment. This informs a Noise Management Plan. The Report indicates that based on BS4142, all rating noise levels are considered to be ‘very low’. At these thresholds the requirements of BS4142 do not strictly apply. Historically this threshold was introduced since previous noise measuring devices were not deemed accurate enough at such low levels and to protect industry from overly onerous noise limits. However, the BS4142 methodology could still be viewed as being a reasonable approach to determine the likelihood of complaints.

The Report has considered ventilation noise, on-site (including night-time collection and Daytime delivery and servicing noise) and off-site vehicle noise. The noise assessment indicates a low probability of complaints. If actual emissions from the broiler unit are greater than those modelled your Council should recognise the potential limitations of further noise reduction using commercially available techniques.

For information: the permit will only control sources of noise from within the permit ‘installation boundary’. This would not normally include lorry movements or operational hours. Your Public Protection team should also be consulted in relation to statutory nuisance, and so that all the relevant key issues are ‘joined up’, to ensure the pollution control regimes are complimentary etc.

Manure Management (storage/spreading): Under the Environmental Permitting Regulations the applicant will be required to submit a Manure Management Plan which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above consideration, the Agency also regulates the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that Bank House Farm is not located within a NVZ. For completeness, it is likely that the applicant owns land outside of the proposed site; these areas could be located within an NVZ.

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

Water Management: The Water Framework Directive (WFD) waterbodies in closest proximity to the proposed development site are the River Severn – confluence of the Bele Brook to the confluence of the Sundorne Brook and the Westbury Brook - source to confluence with the Rea Brook; both are classified as 'moderate' waterbodies. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027. Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010. Yard areas and drainage channels around sheds are normally concreted.

The 'Drainage Layout' Plan submitted illustrates that clean surface water, from roofs and yard areas will drain directly to soakaways. The concrete apron fronting the units will drain via a diverter valve to a dirty water tank, including water derived from clean out. Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality.

**Flood Risk:** 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, the Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), should lead on and approve the detailed surface water (quantity) drainage design. On the basis that the application is EIA, we have the following strategic comments to offer, in consultation with the LLFA. The increase in hard standing area could result in an increase in surface water run-off. The 'Drainage Layout' Plan submitted states that surface water will be discharged to soakaways. The capacity of such has been based on a 1 in 10 year event plus 30% for climate change, which appears to be based on BRE365. However, we advise that the application demonstrates that surface water is managed to the Greenfield runoff rates, including confirmation of attenuation to the 100 year plus climate change storm event. It is noted that the FRA makes reference to a low probability of groundwater flooding; we would leave the detail of this for consideration by the LLFA.

4.1.3 **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.

4.1.4 **Natural England** No objections.

**Statutory nature conservation sites:** no objection. Based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Protected species:** Natural England has not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species, and this should be applied to this application.

**Local sites:** If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

**Biodiversity enhancements:** This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with the National Planning Policy Framework and the Natural Environment and Rural Communities Act (2006).

**Landscape enhancements:** This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

- 4.1.5 **SC Public Protection** This proposal will require a permit issued and regulated by the Environment Agency. The permit will cover noise and odour associated with practices on site and therefore no comments are made on these aspects.
- 4.1.6 **SC Highways Development Control** No objections. The two proposed broiler units will be in addition to the two previously approved adjacent to the site for which a new access was formed onto the B4386. This access is to a high enough standard to accommodate the proposed increase in vehicle movements along with those already existing. The scheme will generate an increased amount of additional traffic movements on the B4386 between the site access and the A5 at Shrewsbury and a high proportion of these will be HGVs. The information presented in the application states that currently the broiler unit operation generates 658 vehicle movements and that this will rise by 518. Although the operation would double in size, there are some economies of scale in relation to deliveries and collections to/from the overall site. The majority of the additional traffic will be generated on days 35 and 42 of the chicken rearing cycle when the mature birds are harvested and this begins at night and is spread over an 18 hour period. From a highway point of view the traffic movements through the night have a lesser effect on traffic conditions as other vehicle flows are at their lowest then. It is my opinion that the B4386 has the capacity to accommodate the additional vehicle movements as it is a Class 2 road and on average throughout the year the scheme only represents approximately an additional 1.5 movements per day. There will of course be days when these are higher but there will also be days when there are none.
- 4.1.7 **SC Drainage** The proposed surface water drainage is acceptable.
- 4.1.8 **SC Ecologist** No objections, subject to the conditions and informatives as set out in Appendix 1 below. The Habitat Regulation Assessment screening matrix should be included in the report.

Bats: There are 4 trees within the surrounding hedgerows which have potential for bat roosting but these trees are to be retained according to the proposed site plans. There is potential for bats to be foraging and commuting in the wider environment according to Turnstone Ecology (2012). Conditions should be imposed requiring the provision of 2 woodcrete bat boxes and requiring the submission of a lighting plan prior to the erection of any external lighting (see Appendix 1).

Nesting Wild Birds: There is potential for nesting wild birds to be present in the vegetation on the site. A condition should be imposed requiring the provision of 2 woodcrete artificial nests (see Appendix 1).

Great Crested Newts: There are no ponds within 250m with the potential for Great Crested Newts to be present according to Turnstone Ecology (2012). No further consideration of this species is necessary.

Landscape Planting: A range of native species planting is recommended. A landscaping plan should be subject to an appropriate condition including provision for replacing any specimens that fail within the first 5 years.

Badgers: There are no badger setts within 50m of the proposed site but badgers were recorded crossing the site by Turnstone Ecology (2012).

Reptiles: The site has negligible potential for reptiles and no further surveys are considered necessary.

Manure Management: The applicant intends to spread the manure produced by the proposed poultry units on his own land in place of manure he currently buys in from third parties. There will be no net increase in the use of poultry manure as a fertiliser on the site and storage in field heaps and spreading will continue to occur much as it does currently. This practice is a standard agricultural operation and is covered by Defra best practice guidance and is not within the remit of the planning application to control.

Habitat Regulation Assessment and emissions modelling: Natural England has been formally consulted and has responded 'no objection' to this proposed development (dated 7<sup>th</sup> February 2014) and that the applicant has provided the Environment Agency pre-application report which states that no detailed modelling is required, reference EPR/RP3334CW/V002. The AST screening sheet based on a maximum of 180,000 animal places shows the outcome of the modelling carried out by Environment Agency at the pre-application stage.

A completed Habitat Regulation Assessment screening matrix is provided which must be included in the planning officer's report.

- 4.1.9 **SC Conservation** No further comments. The subject application proposes to expand the approved poultry operation on these lands by two additional poultry sheds. The subject lands are outside of any Conservation Area and while there are no designated heritage assets within the subject site itself, there are both Scheduled Monuments and statutorily listed buildings near the subject lands which this proposal could have an impact on. It is understood that a Heritage Impact Assessment was prepared in association with the previous application for the initial two poultry sheds, and an archaeological watching brief was secured as a condition of approval of that application. Our Archaeological Team in conjunction with English Heritage should be asked to clarify if they have any additional requirements in terms of this new proposal.

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 NPPF

- 4.1.10 **SC Archaeology** No comments to make with respect to archaeological matters.
- 4.1.11 **SC Rights of Way** Presuming a safe and acceptable crossing was constructed for the public footpath when the access road was created as part of the previous development, no objection is raised to the erection of these further sheds. Obviously there will be an increase in traffic both during and after the works and the safety of any path users must be assured.
- 4.1.12 **CPRE** No response received.
- 4.1.13 **Shropshire Fire Service** No comments to make.

## 4.2 Public comments

4.2.1 The application has been advertised by site notice and in the local press. In addition, 15 residential properties in the local area have been individually notified. Two letters of objection have been received, and two letters of support.

4.2.2 The grounds for objection are:

- Increased heavy traffic through Yockleton
- smell from the sheds and from the disposal of the waste products on neighbouring land
- existing noise and road safety issues due to speeding traffic through village
- if permitted, the proposal should include restrictions on traffic and require the developer to contribute to improved safety / speed reducing measures through the residential area of Yockleton
- development is too close to residential areas to be certain of no odour impact
- Defra advice relates to drafting of planning conditions, and states need for a coordinated approach between planners and environmental regulators at the planning application stage; local authority should expect to be provided with objective evidence that demonstrates that odour emissions will be adequately controlled to prevent any significant loss of amenity to neighbouring sensitive land users
- appears to be no detail regarding pollution control associated with this application
- high risk that it will produce odour problems and on that ground the land is not suitable for this use
- flies
- storage of manure smells awful and encourages flies

4.2.3 The reasons for support are:

- farmers are having to prepare themselves for an inevitable reduction in subsidised payments to support their livelihoods; inevitable that many farmers will have to diversify if they are to remain in business
- poultry sheds are directly contributing to the industry and in particular the production of affordable protein based food
- a growing industry in the private sector should be encouraged
- application is helping considerably to maintain a farming presence in this area which enhances the growing importance of open countryside and protected green belts
- without farmers many areas of green belt could be jeopardised and become potential urban overflows
- live on opposite side of road and confirm no nuisance caused by the existing sheds

## 5.0 THE MAIN ISSUES

- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character
- Residential and local amenity considerations
- Traffic, access and 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 place 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 part-time employment position as well as further working hours for casual workers. The development would also directly contribute positively to the local economy through feed contracts, building contracts, veterinary employment and labour for cleaning out sheds etc.
- 6.1.8 The poultry units would also utilise biomass boilers for heating, instead of LPG. These would be fuelled by wood pellets. The use of biomass fuel in preference to fossil fuels would contribute to a reduction in greenhouse gas emissions. The generation of energy from renewable sources such as wood pellets is supported by national planning guidance and policy, and is one of the strategic objectives of the Core Strategy (Strategic Objective 9).
- 6.1.9 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**
- 6.2.1 The proposed additional sheds would be positioned parallel to the existing two sheds, and would match these in terms of orientation, dimensions, design and appearance. It is considered that this would be an acceptable design and layout for the expansion of the development.
- 6.2.2 The site is located within a gently undulating landscape which includes hedgerows and hedgerow trees. Existing public viewpoints in the surrounding area comprise the B4386 public highway to the south and the public right of way to the south-east, both of which are some distance from the site. In relation to the public highway, this is at a lower level than the application site. The topography of the area, and the intervening roadside hedgerow, would provide considerable screening of the proposed development from the highway. At its nearest point the public footpath is 310 metres from the proposed sheds. Whilst there are no intervening hedgerows the path is situated at a lower level than the proposed development and again this restricts the extent to which the proposed development would be visible from this direction from the path.
- 6.2.3 The application site rises gently to the north-east. As the proposed sheds would be constructed at the same level as the existing ones, some excavation would be required such that the sheds and feed silos would be partially screened from viewpoints to the north-east including the farmhouse at Park Farm to the east. From viewpoints to the south-west, including Hi Fields, views of the proposed sheds would be restricted by the existing sheds.
- 6.2.4 Additional screening would be provided by both the existing approved landscaping scheme and also the proposed additional landscaping. The approved landscaping

proposals for the existing sheds are yet to be completed but these comprise tree and shrub planting atop screening mounds around the perimeter of the development. As part of the current application it is proposed that this planting scheme is modified such that the mounds and tree/shrub planting are undertaken around the entire development.

- 6.2.5 Whilst the proposed development is relatively large, it is nevertheless considered that the proposed design and layout of the buildings and landscaping would minimise the impact upon the local landscape character. Once established it is considered that the landscaping would ensure that the proposed additional sheds and silos can be satisfactorily integrated into the local landscape and not adversely affect the overall character of this part of the countryside. The proposal is therefore in line with Core Strategy Policies CS5 and CS6.

### **6.3 Residential and local amenity considerations**

- 6.3.1 The application site is located more than 400 metres from the nearest residential properties and it is considered that this distance would result in significant attenuation of noise and odour which may be generated by the proposed development. Nevertheless it is acceptable that the proposal has the potential to adversely affect residential amenity in view of its size and nature.

- 6.3.2 Odour management: The planning application states that the ventilation system is designed to limit odour emissions. The fan system would keep the litter as dry as possible to minimise odour and ammonia emissions. During the cleaning out process, manure would be loaded straight onto tractors and trailers which would be covered, in order to reduce odour. This would be incorporated onto farmland within 24 hours where possible to minimise odour, or stored in temporary field heaps.

- 6.3.3 Following advice from the Environment Agency the applicant's agent has provided an additional assessment regarding odour which may arise during the cleaning out of the sheds. This supplementary assessment has been based upon the cumulative effects of both the existing sheds and the proposed sheds, and also a worst-case assessment. The assessment concludes that significant odour impacts at sensitive receptors, including the nearest residential properties, are not anticipated. Further control measures would be imposed through an Odour Management Plan which would be required as part of the Environmental Permit regulated by the Environment Agency.

- 6.3.4 Noise control: A Noise Impact Assessment has been undertaken and this identifies that the existing noise climate is determined largely by farming activity and vehicles, including tractors, other agricultural vehicles and HGVs on the local roads. The Report has considered noise from ventilation fans, on-site noise (including night-time collection and Daytime delivery and servicing) and off-site vehicle noise. The noise assessment indicates a low probability of complaints.

- 6.3.5 The Environmental Permit would provide some controls over noise, however the Environment Agency points out that the Permit would only control sources of noise from within the permit 'installation boundary'. This would not normally include lorry movements or operational hours. The Public Protection Officer has raised no objections in relation to the proposal on noise impact grounds.

- 6.3.6 The Noise Impact Assessment notes that the proposed sheds would be insulated, and that the fans would be located to the rear of the sheds, pointing away from the nearest residential dwellings. It concludes that noise generated by normal operation of the development during daytime and night-time hours would result in an impact of 'no significance' at residential properties near to the site. The assessment also suggests that, at worst, there is a very low risk of complaints during the day and night.
- 6.3.7 In terms of the additional HGVs arriving and leaving the site via the B4386 during the night-time collection periods (occurring twice per rearing cycle) the Noise Impact Assessment predicts that this would result in a 1dB to 2dB increase in noise. It states that the effect of such a noise increase, if fully apparent at affected dwellings, would be considered of 'minor significance'. The EIA notes that this type of noise is, however, entirely in keeping with the existing acoustic character of the area.
- 6.3.8 The application puts forward noise mitigation measures, including:
- ensuring that engines are not left running whilst vehicles are stationary on site
  - avoiding use of tonal reversing alarms at night-time where safety permits
  - spreading collections out during the night-time period into the morning period, thereby reducing the number of movements during the quieter night-time period.
- 6.3.9 These have been incorporated into a Noise Management Plan which includes restrictions on the hours of delivery of feed and fuel. It is considered that planning conditions can require adherence to the mitigation measures proposed in this Plan. On the basis of the noise assessments submitted, the mitigation measures proposed and the comments of the Environment Agency it is not anticipated that the proposed development operating cumulatively with the existing poultry unit, would result in adverse noise impact in the local area. Further controls over noise would be imposed through the Environmental Permit.
- 6.3.10 Dust and flies: One resident has raised concern regarding the potential for the proposal to result in flies and has also stated that the storage of manure encourages flies. The manure arising as part of the proposal would be managed as part of normal agricultural practices and does not form part of the current planning application. In relation to fly nuisance the Environment Agency has advised that, based on past experience, flies are generally not considered a problem on broiler sites which operate to Best Available Technology (BAT) standards. The Agency has advised that an assessment of this will be undertaken as part of the Environmental Permitting process, including any necessary controls and mitigation.
- 6.3.11 In relation to dust emissions, the proposed buildings have been designed with dust baffles over the ventilation fans to trap dust. The EIA states that the proposed bunding around the perimeter of the site is also likely to have dust attenuation properties. Similarly the proposed landscaping on top of the mounds would filter dust emissions. The Environment Agency has advised that, 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 it would not be anticipated that it would cause a nuisance to residents living nearby.

**6.4 Traffic, access and rights of way considerations**

6.4.1 Traffic to the site would be expected to increase by approximately 78% over current levels, rising from 658 movements per year (1.8 per day) at present to 1176 per year (3.2 per day). Of these additional movements, 378 would be HGV's and 140 would be tractor and forklift movements. Traffic levels would fluctuate, as at present, with the busiest periods being when the chicks are collected on days 35 and 42 (26 additional HGV's movements on each of those days), and on day 43 when manure is removed (20 additional tractor/trailer movements). Chick collection would be likely to begin at night and continue into the day with movements spread out over an 18 hour period. The application states that night-time movements would occur during 15 nights per year.

6.4.2 The Highways Officer has confirmed that the access that was formed as part of the existing poultry unit development is to a sufficient standard to accommodate the proposed increase in vehicle movements to the site.

6.4.3 The two objectors to the proposal raise concerns regarding the additional traffic through Yockleton that would occur. The Highways Officer notes that the majority of the additional traffic would be associated with the chick collection cycle which commences at night-time when traffic flows on the public highway are at their lowest. Traffic would enter and exit the site access directly to/from the B4386 and the Officer has confirmed that this Class 2 highway has the capacity to accommodate this additional traffic. It should also be noted that chick collection would only occur on 15 occasions per year, and that there would be many days throughout the cycle when there would be no additional traffic generated by the proposed development.

6.4.4 In terms of highway capacity and safety it is concluded that the proposal is acceptable in relation to highway capacity and safety issues. The potential noise disturbance associated with additional traffic is discussed in sections below.

6.4.5 The proposal would not result in the obstruction of the public right of way which crosses the access track.

**6.5 Ecological consideration**

6.5.1 An Extended Phase 1 Habitat Survey was undertaken during 2012. The report concluded that the site is not designated for its wildlife interest at an international, national or local level and no legally protected plant species were identified or are likely in the habitats encountered.

6.5.2 Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. The proposal incorporates procedures to minimise the output of ammonia, including keeping litter as dry as possible and using a drinking system which minimises water spillage. Ammonia emissions from poultry can potentially impact on nearby nature conservation sites, directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. The Environment Agency has undertaken an initial ammonia screening assessment to identify whether the applicant would be required to submit a detailed modelling assessment. Based on the information submitted as part of the screening assessment (including a total of 200,000 bird (broiler) places), it has been concluded that detailed ammonia modelling will not be required. The Agency, as a 'competent authority' under the terms of the Conservation of Habitats and Species Regulations (2010), has therefore confirmed that

an appropriate assessment as part of the Habitats Regulations Assessment (HRA) will not be required.

6.5.3 Biodiversity enhancements to the local area would be provided through the planting of trees and shrubs as part of the landscaping scheme, and the provision of bat and bird boxes at the site.

6.5.4 On the basis of the available evidence it is not anticipated that the proposed would have an adverse impact on the ecology of the area. The Habitat Regulation Assessment screening matrix is attached to this report.

## 6.6 **Impact on water resources**

6.6.1 The application is accompanied by a Drainage and Water Resources Report. This assesses the potential impacts of the proposed poultry installation on water resources including surface waters, groundwater and flood risk. The main risks identified relate to: pollution of groundwater and surface water from nitrates from spreading and removal of manure and dirty water; and the increase in surface water run-off from the site.

6.6.2 Foul water disposal: The main mitigation feature of the proposal would be ensuring that all operations would be carried out within a building and on hardstanding to prevent seepage of manure effluent to groundwater. Foul water arising during the washing down of the poultry houses would be directed to a dirty water tank. This tank would be fitted with a level indicator to indicate when it needs emptying. Collected drainage would be disposed of on non-intensive pasture land. Clean water from the external hardstanding area would normally be directed to the Sustainable Drainage System. However during wash down, the outfall drain would be diverted to the dirty water collection tanks.

6.6.3 Flood risk and surface water drainage: The site is located within Flood Zone 1 indicating that the risk of flooding from major sources is low. As the site area exceeds 1ha, a Flood Risk Assessment (FRA) has been submitted. This identifies that approximately 30% of the site area would be an impermeable surface (hardstanding). The FRA states that this has the potential to impact on receptors downstream of the site, and that mitigation is required to address the potential impact upon receptors downstream of the site. The Drainage and Water Resources Report notes that the area has good porosity. It is therefore proposed that clean water run-off from the site would discharge to soakaway as part of a Sustainable Drainage System (SuDS). Based upon advice from the Environment Agency the application has submitted additional information in respect of the design of soakaways, and it is considered that this is satisfactory.

6.6.4 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. Nevertheless the application states that at present the farming business utilises approximately 2100 tonnes of manure per year, together with large quantities sewage sludge which is imported from Telford and further afield. The additional manure produced as a result of the proposed development would be utilised on the applicant's farmland, making the farm 100% self-sufficient in manure requirements. The higher nutritional value of poultry manure than sewage would result in there being no further need to import sludge. It is estimated that this would result in approximately 180 fewer traffic movements per year.

6.6.5 The Environment Agency has confirmed that the applicant would be required to submit a Manure Management Plan under the Environmental Permitting Regulations. The purpose of this Plan would be to reduce the risk of the manure leaching or washing into groundwater or surface water. This element of the process is therefore controlled under a separate regulatory regime.

## 7.0 CONCLUSION

7.1 The proposal to provide an additional two sheds at the existing broiler unit would represent an appropriate expansion of this existing agricultural business. The development would be acceptable in terms of design and appearance, and the proposed landscaping would minimise the impact of the proposal on the landscape character of the area. Satisfactory measures have been incorporated within the design of the development to ensure that potential adverse impacts from noise, odour and other emissions can be controlled to acceptable levels. The additional traffic that would be associated with the expansion of the operation can be satisfactorily accommodated by the existing highway network and site access without unacceptable impact upon residential amenity. In addition the design of the scheme includes features to improve the sustainability of the operation, including the use of biomass boilers, and a sustainable drainage system. The application would create an additional part-time employment position as well as further working hours for casual workers.

7.2 The Environmental Impact Assessment demonstrates that the likely environmental impacts of the proposal are not significant and are capable of being satisfactorily mitigated. Additional controls over operational matters, including site management and emissions, would be provided through the Environmental Permit regulated by the Environment Agency. Overall it is considered that the benefits of the proposal outweigh the impacts of the provision of the additional sheds on the local environment. Based upon the above it is considered that the proposal can be accepted in relation to Development Plan policies and other guidance and material planning considerations, and that planning permission can be recommended.

## 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 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.

## 9.0 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. Background

### 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).

10.2.2 Planning practice guidance for renewable and low carbon energy (March 2014): This provides advice on the planning issues associated with the development of renewable energy. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. For biomass proposals, the guidance states that considerations that can affect their siting include appropriate transport links

### 10.3 Emerging Development Plan policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: Consultation is taking place (17 March – 28 April 2014) on the Pre-Submission Draft version of the SAMDev Plan, which includes draft Development Management policies and draft Settlement policies. At this stage, the site and surrounding area are not subject to any specific allocations 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: None.

**12/05179/EIA** Erection of two chicken sheds each housing (maximum) 45,000 birds; associated hard standing, feed bins, dirty water storage tank, access improvement and landscaping works, Permitted 7th March 2013

**13/01129/DIS** Discharge of Conditions 3 (Archaeological Work), 4 (Construction Method Statement) and 5 (External Materials) attached to planning ref. 12/05179/EIA. Erection of two chicken sheds each housing (maximum) 45,000 birds; associated hard standing, feed bins, dirty water storage tank, access improvement and landscaping works. Approved 18th April 2013

**13/02530/FUL** Erection of 2 feed silos for storage of wood pellets to fuel biomass boiler in connection with adjacent poultry units Permitted 19th August 2013

**11. Additional Information**

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>The application ref. 14/00328/EIA and supporting information and consultation responses.</p>
<p>Cabinet Member (Portfolio Holder): Cllr M. Price</p>
<p>Local Member: Cllr David Roberts (Loton)</p>
<p>Appendices: APPENDIX 1 - Conditions</p>

**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 following deposited plans:
  - Manure Plan
  - Drainage Layout ref. BH-DL-800
  - Proposed Buildings ref. PA 347/01
  - Location Plan
  - Surveyed Site Plan, ref. NDJ001/02
  - Site Plan (annotated) showing biomass boiler rooms.

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

3. The development hereby permitted shall not be undertaken other than in accordance with the procedures as set out in the Noise Management Plan submitted as part of the Environmental Impact Assessment.

Reason: To protect local and residential amenity from adverse noise impact.

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
  - Means of enclosure
  - Hard surfacing materials
  - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
  - Implementation timetables

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

5. The chicken sheds hereby permitted shall be finished in a slate blue colour to match that of the adjacent sheds.

Reason: To ensure an acceptable appearance of the buildings to protect the visual character of the area (Core Strategy Policies CS5, CS6 and CS17).

6. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

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

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

8. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

### **Informatives**

1. The Environment Agency has provided the following guidance in relation to pollution prevention matters. 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.
2. Bats: All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

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

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

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

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

4. Badgers:

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.

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.

### Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

14/00328/EIA

Bank House Poultry  
Yockleton  
Shropshire

Erection of two poultry sheds; associated hard standing; feed bins; dirty water storage tank and landscaping works

Date of completion for the HRA screening matrix:

15<sup>th</sup> April 2014

HRA screening matrix completed by:

Nicola Stone  
Assistant Biodiversity Officer  
01743-252556

**Table 1: Details of project or plan**

Name of plan or project	<p>14/00328/EIA Bank House Poultry Yockleton Shropshire Erection of two poultry sheds; associated hard standing; feed bins; dirty water storage tank and landscaping works</p> <p><b>HRA is based on a maximum number of 180,000 animal places at Bank House Poultry. If the maximum count is over 180,000 further assessment is required.</b></p>
Name and description of Natura 2000 site	<p>The Stiperstones and the Hollies SAC (601.46ha) represents a Nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i>.</p> <p>Annex I Habitats that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> <li>• European dry heaths</li> </ul> <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:</p> <ul style="list-style-type: none"> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> </ul>
Description of the plan or project	<p>Erection of two additional poultry sheds; associated hard standing; feed bins; dirty water storage tank and landscaping works.</p> <p><b>Total maximum number of animal places at Bank House Poultry –</b></p>

	<b>180,000.</b>
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)?	Not applicable – Natural England and Environment Agency have advised Shropshire Council that an in-combination effects test is not required where all process contributions screen out below the thresholds agreed between NE and EA nationally.

### Statement

Environment Agency have provided the AST screening sheet from the modelling work carried out based on 180,000 animal places. The following summarises the results;

#### **The Stiperstones and The Hollies SAC:**

Critical Load/level –  $1\mu\text{g}/\text{m}^3$

Process contribution as a % of the critical load/level – 1%

Relevant EA/NE threshold – 4%

#### **River Severn at Montford SSSI:**

Critical Load/level –  $1\mu\text{g}/\text{m}^3$

Process contribution as a % of the critical load/level – 2.6%

Relevant EA/NE threshold – 20%

#### **Earl's Hill and Habberley Valley SSSI:**

Critical Load/level –  $1\mu\text{g}/\text{m}^3$

Process contribution as a % of the critical load/level – 1.9%

Relevant EA/NE threshold – 20%

#### **Cardeston Quarry Local Wildlife Site:**

Critical Load/level –  $1\mu\text{g}/\text{m}^3$

Process contribution as a % of the critical load/level – 7.3%

Relevant EA/NE threshold – 50%

#### **Broxtton Wood Ancient Woodland:**

Critical Load/level –  $1\mu\text{g}/\text{m}^3$

Process contribution as a % of the critical load/level – 7.4%

Relevant EA/NE threshold – 50%

#### **Unnamed Wood at SJ40011139:**

Critical Load/level –  $1\mu\text{g}/\text{m}^3$

Process contribution as a % of the critical load/level – 21.1%



Relevant EA/NE threshold – 50%

All emissions of ammonia screen out below the relevant EA/NE thresholds.

#### **The Significance test**

There is no likely significant effect from the proposed development under planning application 14/00328/EIA at Yockleton, Shrewsbury, Shropshire for the Erection of two poultry sheds; associated hard standing; feed bins; dirty water storage tank and landscaping works on the European Designated Site at The Stiperstones and The Hollies SAC.

#### **The Integrity test**

There is no likely effect on the integrity of the European Designated Site at The Stiperstones and The Hollies SAC from the proposed development under planning application 14/00328/EIA at Yockleton, Shrewsbury, Shropshire for the Erection of two poultry sheds; associated hard standing; feed bins; dirty water storage tank and landscaping works.

#### **Conclusions**

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

### **Guidance on completing the HRA Screening Matrix**

#### **The Habitat Regulation Assessment process**

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' 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  
 1 May 2014

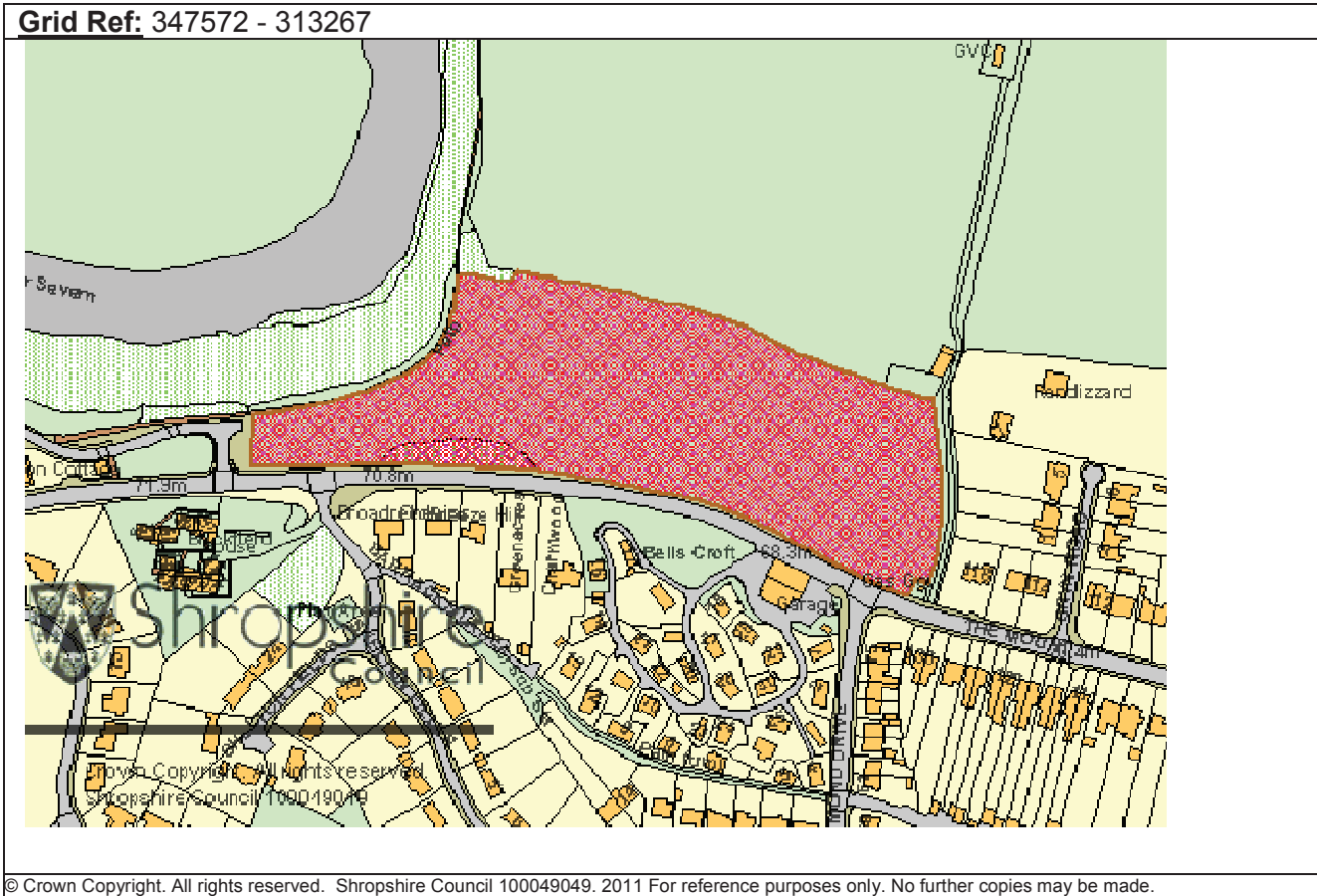
Item  
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 Public

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 14/00743/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Outline application for residential development (to include access)		
<b>Site Address:</b> Development Land West Of Bryn Road The Mount Shrewsbury Shropshire		
<b>Applicant:</b> Shropshire Homes Ltd		
<b>Case Officer:</b> Andrew Gittins		<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>



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

- no new material considerations being raised as a result of the proposal being advertised as a Departure in the Shropshire Star on Tuesday 22<sup>nd</sup> April 2014 for a 21 day period expiring on 13<sup>th</sup> May 2014, and
- 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** The application seeks approval for the erection of 20 residential dwellings and includes the formation of the access road, including the splayed radius curves.
- 1.2** The current prevailing affordable housing rate for the area is 20%. The description of development included on the application form describes the proposed works as 16 houses and 4 apartments which would require the provision of 4 affordable units on-site. The application form states that the scheme would include 16 four-bed plus open market, 2 two-bed socially rented and 2 two-bed shared ownership properties; however it should be noted that the house-type and scale would be considered at reserved matters.

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

- 2.1** The 2.2 hectare site is a classified as Grade 3 agricultural land located in the Shrewsbury Conservation Area to the north of A458 (The Mount) which is subject to a 30mph speed limit providing access into Frankwell and the town centre from the western side of the town. The site shares a boundary with the vehicular access to the Mountwood Park residential development to the west. The remainder of the western boundary is defined by a public footpath which curves round to proceed in a northerly direction following the course of the river. Meanwhile the western boundary is shared with the domestic curtilages of 5 residential properties on Bryn Road. To the south of The Mount, the site is opposite The Mount petrol garage, Bells Croft park-home development and five residential properties. The site is located in Flood Zone 1 which is classified as being of the lowest probability of flooding risk (less than 1 in 1,000 annual probability of river flooding - <0.1%).

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

- 3.1** The Local Member has requested that the application is presented as committee for the following reasons:
- There are concerns about the impact of this application and its access onto The Mount which is a fast and busy road.
  - The scheme will also be very visible due to the undulating nature of the ground which means some houses will be several feet higher than other

properties in the neighbourhood.

- If the scheme were to receive approval it is requested that the hedgerow is retained as far as is possible to help retain the rural feel of the area. Notwithstanding this request it is considered that the scheme will have a detrimental impact on the open nature of this part of The Mount from a visual point of view.

#### **4.0 Community Representations**

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

**4.1.1 Shrewsbury Town Council:** The Town Council raised concerns with this application to build on the remaining piece of agricultural land on The Mount which with its footpath is well used by ramblers and is an important visual amenity. It is a prominent and well used entrance to the town centre where the ribbon development will dramatically change the street scene. Members insisted that the hedge along the roadside be retained in the hope of preserving the rural feel. Members questioned the safety of the proposed junction onto The Mount which is a busy and congested main road.

##### **4.1.2 SC Highways: Recommendation**

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

##### **Background**

The proposed site access is located off the A458 The Mount within a 30mph speed limit on the outside of a slight bend. As travelled speeds along this section are known to be a little high for the posted limit, the visibility splays proposed have been agreed with the local highway authority to be based upon 35mph travelled speeds. Given that the development would introduce some frontage on The Mount at this location it may have a positive impact on travelled speeds. However we would recommend that if possible a further length of hedge should be removed either side of the access road to provide a buffer against future growth which may encroach into the visibility splay. Also, as the site boundary hedge is overhanging the footway some work is required by the owner/applicant to ensure the full width of the footway is exposed and can be maintained by the highway authority. Given this is relatively minor development a transport statement is not required in line with Department for Transport guidance and the NPPF. We consider that the development should not have any notable impact to traffic flows on The Mount or at the junctions with Shelton Road and Frankwell. There is an existing footway across the site frontage and is to be retained; a dropped crossing will be provided across the proposed access road. Given this is an infill site within a built-up area of Shrewsbury the site has good links to services, amenities and employment by sustainable travel options. A number of bus stops are provided within a short walking distance from the site. Therefore in transport terms we consider that the site is positioned in a sustainable location. Given the topography and low density of this site we would comment that there should be opportunities for employing good quality Sustainable Urban Drainage Systems (SUDS) within the road design. Should the site be approved, we would recommend early discussions with the local highway authority and drainage team to discuss options for the SUDS design in advance of preparing a reserved matters application. If designed well, SUDS

features can be incorporated within landscape features to provide amenity and ecology assets whilst costing less to construct and maintain than traditional drainage schemes. 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.

**4.1.3 SC Ecologist:** Consultation on planning application: Development Land West Of Bryn Road, The Mount, Shrewsbury Shropshire - Outline application for residential development (to include access).

I have read the above application and the supporting documents including the Ecological Assessment conducted by Star Ecology (February 2014).

**Recommendation:**

Include the conditions and informative(s) below on the decision notice.

**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 suggested condition should be on the decision notice.

**Bats**

There are three trees which have been highlighted as having bat roost potential. Two mature lime trees and one mature oak tree. These trees are to be retained and protected during the development. The suggested conditions and informatives should be on the decision notice.

Trees on site have been identified by Star Ecology (2014) as having bat roost potential. Currently these trees are retained within the site plan. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

**Nesting Birds**

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

#### Great Crested Newts

There are four mapped ponds within 500m of the proposed development site. Due to the location of the ponds Star Ecology has concluded that no further survey work will be required. The suggested informative should be on the decision notice.

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

#### Additional Drainage Comment:

The FRA could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted as the site is in Flood Zone 1 and exceeds 1 hectare in area.

- 4.1.5 SC Trees:** There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. There are no significant impacts to important amenity trees arising from the proposed development and no objection is raised to this proposal. It is recommended that if planning permission is granted it is subject to the attachment of the recommended condition (included in the recommendation).

- 4.1.6 SC Rights of Way:** FP 34 ( part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. The footpath will not be affected by the application.

- 4.1.7 SC Public Protection:** Having considered the information provided I propose that a noise assessment is carried out in order to ensure that all properties proposed have a suitable noise environment. This however is most appropriate to be conditioned at reserved matters however by stating the need here it is hoped that this will prompt the applicant into submitting an assessment when the reserved matters application is submitted should outline permission be granted approval. If this assessment is not submitted with reserved matters I will ask that no decision is made until such an assessment has been submitted and assessed.

- 4.1.8 SC Conservation:** Background to Recommendation:

This application affects a large area of open land on the north side of The Mount, directly west of existing residential housing fronting Bryn Road. The lands have an extensive length of frontage along The Mount and the entire property is located within the westerly most boundary of The Mount Conservation Area, with the rear property line coinciding with the northerly Conservation Area boundary delineation.

The Mount Conservation Area was designated in 1997 and formed an extension to the 'Town Centre Special Character Area' of the larger Shrewsbury Conservation Area along the course of the original London to Holyhead Road, and comprising a relatively narrow strip of land on either side of The Mount. A Conservation Area Appraisal was prepared for this area in 2006.

Our current mapping indicates there are no listed buildings or other designated heritage assets within the subject lands, and a desk based review of the circa 1901 Ordnance Survey mapping layer appears to indicate there were no buildings or structures dating from that time period on these lands, however this should be confirmed by the applicant.

The subject site is immediately north-west of the continuous streetscape of substantial late Victorian and Edwardian dwellings which form an impressive visual sequence along The Mount which is an important characteristic of the area. This series of buildings, with the exception of Nos. 71-73-75 and No. 61, which are listed, are covered by an Article 4(2) Direction to help retain and enhance the visual amenity of the area. East of the subject lands is more modern housing developed along Earleston Park and Bryn Road; these lands were formerly occupied by the large house, later a hotel, known as Beauchamp and which was demolished around the 1960s. All of these lands are also part of The Mount Conservation Area, with the north side of The Mount characterised by large houses positioned on substantial parcels of land that were placed to take advantage of the fine views sweeping down to the river beyond the Conservation Area boundaries.

#### **Principles of Scheme:**

In terms of the historic environment, the proposal will need 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 Mount Conservation Area Appraisal stresses the contribution that green open spaces make to the setting of this area, the importance of public view points along the street between the built up areas and views and vistas within, into and out of the Conservation Area, and the importance of retaining trees, hedges and shrubs along the street line and within the open spaces remaining in the area. In particular, the Conservation Area Appraisal map indicates that with respect to the subject lands, a principal feature of interest is the established hedging and trees running along the frontage of the property adjacent to the street, and significant tree groups at the easterly end of the property.

Given the importance of retaining areas of open space within the Conservation Area, the introduction of residential development on these lands must be very carefully considered, and the overall site layout and road network, scale of development, and elevational detail and materials are important considerations that could negatively impact on the special character of the area. The subject lands provide a valuable open space link from The Mount, between the built up areas, through to the extensive areas of open space to the north and west which slope down to the river. The site is also located at an important gateway into the



Conservation Area, past the more traditional built form along The Mount and then into the Town Centre itself. Developments of this type have the potential to have an adverse impact on the landscape character of the area and we would suggest that you may wish to consider obtaining the opinion of an appropriately qualified landscape professional to assess the proposal in this regard. Obviously ecological and other natural environment matters will also need to be carefully considered and addressed here and are also of prime importance.

**Design and Detail:**

Because these lands are within the Conservation Area, any dwellings will be required to be built to a very high standard with high quality external materials that would allow the dwellings to harmonize with the surrounding natural environment while sensitive to the built form prevalent along The Mount. Additional information in this regard is required. Entrances to the site should be kept to a minimum to allow full retention of the existing hedge and treeline running along the frontage of the property.

**RECOMMENDATION:**

I have reservations over the full development of these lands for residential dwellings within the Conservation Area. It is preferable that some of this important open space is retained along The Mount as a visual and physical link to the larger expanse of open lands to the north. Should the application be approved, we would request that elevation drawings be forwarded to us formally for review and that the following conditions be applied:

C1/C2 re external materials, C3 re joinery, D1 Landscape design, D3 Details of enclosure (incl. site entrance details)

**4.1.9 SC Archaeology (18<sup>th</sup> March 2014):** Background to Recommendation:

The proposed development site comprises 2.2ha area on the north-western edge of Shrewsbury and within the Shrewsbury Conservation Area. The Shropshire Historic Environment Record does not currently contain any record of any known heritage assets on the development site itself. However, recent digital vertical aerial photographs indicate that earthwork remains of two possible lynchet banks of potential medieval date are present. On this basis the proposed development site is currently deemed to have moderate archaeological potential.

**RECOMMENDATION:**

In view of the above, and in accordance with Paragraph 128 of the NPPF, I recommend that an archaeological Desk Based Assessment and site walk-over survey should be commissioned by the applicant, and the results submitted to the Local Planning Authority, prior to the determination of this application. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development in relation to Paragraphs 129 and 135 of the NPPF, and whether any further archaeological mitigation would be required as a condition of any planning consent in relation to Paragraph 141. There should be no determination of the application until the Desk Based Assessment has been submitted to the Local Planning Authority.

**(22<sup>nd</sup> April 2014):** The Council's Archaeologist assessed the Desk Based Assessment and has recommended a further programme of archaeological work based on surviving earthworks and low but not negligible potential for prehistoric remains.

## 4.2 Public Comments

**4.2.1** The application was advertised by way of a Site Notice displayed for a minimum period of 21 days commencing on the 4<sup>th</sup> March 2014 and a Press Notice published in the Shropshire Star on the 28<sup>th</sup> April 2014. A further press notice was published in the Shropshire Star on the 22<sup>nd</sup> April 2014 advertising the application as a Departure from the Development Plan.

In response 14 letters have been received objecting to the proposal on the following material planning grounds:

- Principle of development of greenfield agricultural land.
- Proposal is not environmentally or socially sustainable.
- Land unsuitable for housing as sloping and uneven.
- Loss of privacy and light.
- Increased traffic detrimental to highway safety.
- Loss of natural habitat.
- Improvements and maintenance of Severn Way footpath should be secured and a connection should be made through the main site entrance to the footpath on the eastern side.
- Disruption during construction
- Scale of development not in keeping with The Mount and will have a detrimental impact on character of the Conservation Area and public footpath
- Development site is a natural floodplain and Mount Ridge should not be flattened.
- The site is of historic agricultural value.
- Development contrary to CS6 and CS17.
- Surface water flooding from drains.

**4.2.2 Shropshire Wildlife Trust:** Although it appears that an ecological report has been undertaken it has not been provided via the Shropshire Council website.

Shropshire Wildlife Trust would consider that an ecological assessment or survey of the site may be required. Such a report should be undertaken by a suitably qualified ecologist and identify any features of ecological interest. If there is ecological interest then the report should:

- identify the direct and indirect ecological impacts
- recommend mitigation / compensation as appropriate
- identify potential ecological enhancements or restoration measures

Without this information the Trust is unable to make an informed comment.

We can however infer that limited ecological interest has been identified within the site. Despite this we do have concerns relating to the close proximity of the River

Severn which is a County Wildlife Site, a major ecological corridor through the county and is accompanied by the Severn Way at this location. The inclusion of green space across the western portion of the site providing a more suitable buffer would make the development far more acceptable. We would also like reassurance that suitable SUDS measures will be put in place to ensure that any surface runoff from the site will not have a negative impact upon the River Severn.

While it has become common practice for applicants to highlight the five year housing supply requirement and presumption is favour of 'sustainable development', the NPPF requirements on conserving and enhancing the natural environment also need to be considered (NPPF section 11, paras 109 to 119). Section 40 of the Natural Environment and Rural Communities Act 2006 also places a legal duty on the planning authority to have regard for the conservation (and restoration and enhancement) of biodiversity. We would also recommend that claims of sustainability are scrutinised carefully.

**4.2.3 Campaign to Protect Rural England:** This appears to be a speculative application. The site is not part of the SAMDev housing allocations for Shrewsbury.

The land involved in this application is part of the Shrewsbury Town Conservation Area. It was so designated in March 1997 because of its importance as green space; building on it would have a destructive impact on the landscape, particularly when viewed from the meadows adjoining the river Severn to the north.

It would also intrude on the Severn Way which skirts the land in question as it descends from Shelton to the river.

For these reasons it is in conflict with Core Strategy policies CS6 and CS17 and with the principles laid down in the National Planning Policy Framework, which protect amenity open space.

We would draw your attention to the Planning Inspector's decision - reference T/APP/B3220/A/96/272255/P7 dated 7 May, 1997. This was in response to an appeal against the Borough Council's refusal of an application for housing adjoining Rowton Lodge. He dismissed the appeal, concluding *"that the proposed development of the appeal site for residential purposes would unacceptably affect the character and appearance of this part of The Mount and as such would not serve to preserve or enhance the character or appearance of the conservation area and would be contrary to the objectives of development plan policy."*

The principles of the development plan policy have been carried forward into the Core Strategy policies mentioned above. We urge you to recommend refusal.

## 5.0 THE MAIN ISSUES

### Principle of development

### Assessment of sustainability

### Impact on character of Conservation Area and Visual Amenities of Area Highways

**Others material considerations**

- Ecology
- Drainage
- Trees
- Rights of Way
- Noise Assessment
- Archaeology
- Impact on residential amenity

**6.0 OFFICER APPRAISAL****6.1 Principle of development**

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

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

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

and that

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

**6.1.3** 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 4.95 years for Shropshire and 5.28 years for Shrewsbury. Whilst the Council considers that the calculation for Shrewsbury is a material consideration, it recognises that the positive position was marginal in 2013 and the position for 2014 is as yet unknown, although there has been reasonable progress on house construction in the town and many of the proposed allocations coming through as consented planning applications. On this basis, while the starting point remains the Development Plan, 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.

**6.1.4** The site is currently outside of the development boundary for Shrewsbury and is not currently being allocated as a potential housing site within the emerging SAMDev. Therefore the site is classed as being in open countryside. 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. This assessment and balancing exercise will be undertaken in the paragraphs below.

## **6.2 Assessment of sustainability**

**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 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 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.

**6.2.3** Social role – The proposal will help boost the supply of open market and affordable housing and will be CIL liable for improvements towards local infrastructure. The occupants of the houses will potentially help maintain and support local services and facilities.

**6.2.4** Environmental role - The site is Grade 3 agricultural land (good to moderate quality), and does not include, but is located adjacent to the buffer to the east of the River Severn. This adjoining land was previously designated by SABC Local Plan Policy LNC7 as an area of ecological importance. Upon adoption of the Core Strategy LNC7 was superseded by Policy CS17: Environmental Networks which provides the appropriate policy protection. The site is sensitive in landscape terms and is considered to contribute to the character of the Conservation Area. The application site has been assessed for its heritage and cultural value by the Council's Historic Environment Officers, who have expressed some reservations about the potential adverse impact on these values which are discussed in further detail in Section 6.3 below. It is acknowledged that the development will inevitably have some adverse impacts in these respects but that the submission of appropriate details at reserved matters in respect of layout, appearance and scale would mitigate some of the impacts.

The application has been assessed for its ecological value by the Council's Ecologist, who are seeking the submission of appropriate details at reserved matters and the attachment of conditions and informative(s) which will provide ecological enhancements due to the provision of bat boxes, bird boxes and landscape enhancement. 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 and by public transport.

**6.2.5** On balance it is 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. Whilst there would be some adverse impacts as a result of the proposal; as acknowledged throughout the report these are not considered to significantly or demonstrably outweigh the benefits.

### **6.3 Impact on character of Conservation Area and Visual Amenities of Area**

**6.3.1** The application has been assessed by the Council's Historic Environment Officer whose comments have been included in full above. The Conservation Officer has acknowledged that this application affects a large area of open land on the north side of The Mount, directly west of existing residential housing fronting Bryn Road. The lands have an extensive length of frontage along The Mount and the entire property is located within the westerly most boundary of The Mount Conservation Area, with the rear property line coinciding with the northerly Conservation Area boundary delineation. The Mount Conservation Area was designated in 1997 and formed an extension to the 'Town Centre Special Character Area' of the larger Shrewsbury Conservation Area along the course of the original London to Holyhead Road, and comprising a relatively narrow strip of land on either side of The Mount. A Conservation Area Appraisal was prepared for this area in 2006.

**6.3.2** The current mapping software indicates there are no listed buildings or other designated heritage assets within the subject lands, and a desk based review of the circa 1901 Ordnance Survey mapping layer appears to indicate there were no buildings or structures dating from that time period on these lands, however this should be confirmed by the applicant.

- 6.3.3** The subject site is immediately north-west of the continuous streetscape of substantial late Victorian and Edwardian dwellings which form an impressive visual sequence along The Mount which is an important characteristic of the area. This series of buildings, with the exception of Nos. 71-73-75 and No. 61, which are listed, are covered by an Article 4(2) Direction to help retain and enhance the visual amenity of the area. East of the subject lands is more modern housing developed along Earlston Park and Bryn Road; these lands were formerly occupied by the large house, later a hotel, known as Beauchamp and which was demolished around the 1960s. All of these lands are also part of The Mount Conservation Area, with the north side of The Mount characterised by large houses positioned on substantial parcels of land that were placed to take advantage of the fine views sweeping down to the river beyond the Conservation Area boundaries.
- 6.3.4** The Historic Environment Officer has noted that the proposal will need 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 Mount Conservation Area Appraisal stresses the contribution that green open spaces make to the setting of this area, the importance of public view points along the street between the built up areas and views and vistas within, into and out of the Conservation Area, and the importance of retaining trees, hedges and shrubs along the street line and within the open spaces remaining in the area. In particular, the Conservation Area Appraisal map indicates that with respect to the subject lands, a principal feature of interest is the established hedging and trees running along the frontage of the property adjacent to the street, and significant tree groups at the easterly end of the property.
- 6.3.5** Given the importance of retaining areas of open space within the Conservation Area, the introduction of residential development on these lands must be very carefully considered, and the overall site layout and road network, scale of development, and elevational detail and materials are important considerations that could negatively impact on the special character of the area. The subject lands provide a valuable open space link from The Mount, between the built up areas, through to the extensive areas of open space to the north and west which slope down to the river. The site is also located at an important gateway into the Conservation Area, past the more traditional built form along The Mount and then into the Town Centre itself. Developments of this type have the potential to have an impact on the landscape character of the area and the Historic Environment Officer has suggested that consideration is given to securing the opinion of an appropriately qualified landscape professional to assess the proposal in this regard. However, whilst the site constitutes the western edge of the Conservation Area, there are existing residential estates either side of the application site and is therefore considered to represent infill development. Furthermore, with the exception of Mount Ridge, the land falls away in a northerly direction towards the river which is considered to reduce its prominence. Whilst it is acknowledged that some of the highway fronting hedgerow will have to be removed to provide the access and necessary visibility splays these can be replaced with landscaping behind the splays which will provide further screening. Accordingly Officers do not consider it necessary to seek the professional opinion of a landscape architect. Further to this it should be highlighted that with the exception of the requirements of

CS17: Environmental Networks the site has no formal designation or protection under planning policy as for example an AONB would benefit from.

- 6.3.6** The Historic Environment Officer has noted that any dwellings will be required to be built to a very high standard with high quality external materials that would allow the dwellings to harmonize with the surrounding natural environment while sensitive to the built form prevalent along The Mount; this will be a consideration and requirement of a reserved matters application.
- 6.3.7** Whilst the Historic Environment Officer has reservations about the development of the full extent of the site for residential within the Conservation Area, and has suggested that it would be preferable if some of the important open space is retained along The Mount as a visual and physical link to the larger expanse of open lands to the north. On balance, Officers are of the opinion that the principle of the development of the site for residential purposes is acceptable and that an appropriate design and scale of dwellings and provision of open space can be secured at reserved matters.
- 6.3.8** A representation of The Mount Residents Group has stated that the local community are sending in a request for the site to be designated as a Local Green Space as permitted by paragraphs 76 and 77 of the NPPF. Shropshire Council's Development Plan doesn't seek to identify county wide areas of local green space. However policy protection is provided by Core Strategy Policies CS6 and CS17 together with emerging policy MD12. The ecological and historic merits of application site have been acknowledged and appropriate assessments have been undertaken by the relevant consultees. However it is considered that an appropriately designed scheme taking into account sensitive receptors such as the Severn Way public footpath and river Severn, which pays regard to the existing site levels could maintain and enhance the character of the Conservation Area.

## **6.4 Highways**

- 6.4.1** The application has been assessed by the Council's Historic Environment Officer whose comments have been included in full above. The Highways Officer has noted that the proposed site access is located off the A458 The Mount within a 30mph speed limit on the outside of a slight bend. As travelled speeds along this section are known to be a little high for the posted limit, the visibility splays proposed have been agreed with the local highway authority to be based upon 35mph travelled speeds. Given that the development would introduce some frontage on The Mount at this location it may have a positive impact on travelled speeds.
- 6.4.2** Highways Officer has recommended that if possible a further length of hedge should be removed either side of the access road to provide a buffer against future growth which may encroach into the visibility splay. Also, as the site boundary hedge is overhanging the footway some work is required by the owner/applicant to ensure the full width of the footway is exposed and can be maintained by the highway authority. Given this is relatively minor development a transport statement is not required in line with Department for Transport guidance and the NPPF. The Highways Officer considers that the development should not have any notable impact to traffic flows on The Mount or at the junctions with Shelton Road and



Frankwell. There is an existing footway across the site frontage and is to be retained; a dropped crossing will be provided across the proposed access road.

**6.4.3** The Highways Officer has noted that this is an infill site within a built-up area of Shrewsbury the site has good links to services, amenities and employment by sustainable travel options. A number of bus stops are provided within a short walking distance from the site. Therefore in transport terms we consider that the site is positioned in a sustainable location. Given the topography and low density of this site the Highways Officer is of the opinion that there should be opportunities for employing good quality Sustainable Urban Drainage Systems (SUDS) within the road design. Should the site be approved, the Highways Officer would recommend early discussions with the local highway authority and drainage team to discuss options for the SUDS design in advance of preparing a reserved matters application. If designed well, SUDS features can be incorporated within landscape features to provide amenity and ecology assets whilst costing less to construct and maintain than traditional drainage schemes. 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.

**6.4.4** In conclusion, the highway authority raises no objection to the granting of consent subject to the attachment of a condition requiring the technical approval of the new access road, existing highway/road works, traffic calming scheme, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs to ensure the construction is to an adequate standard in the interests of road safety. It is understood that the proposed estate roads will be offered for adoption and therefore a s38 agreement with the local highway authority will be required. In accordance with the Highways Officers recommendation an informative has been attached stating that no works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

## **6.5 Others material considerations**

### **- Ecology**

The application has been assessed by the Council's Ecologist and Shropshire Wildlife Trust whose comments have been included in full above. The Council's Ecologist has outlined that the Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. The Ecologist has noted that the 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. In accordance with the Ecologist's recommendation conditions requiring the submission of a landscaping scheme, installation of bat and bird boxes, submission of details of external lighting together with advisory informative(s) have been attached to the officer recommendation. The assessment undertaken by the Council's Ecologist is considered to address the

Shropshire Wildlife Trusts' comments. The Wildlife Trust have suggested that the inclusion of green space across the western portion of the site providing a more suitable buffer which would make the development far more acceptable. The indicative site plan illustrates that four properties could potentially be sited against the western site boundary with a section in the north-western corner retained as open space. Whilst this is an issue which could be explored at the reserved matters stage when the layout is under consideration it is not a requirement Officers would insist upon given that this has not been raised by the Council's Ecologist. Similarly the provision of suitable SUDS measures will be secured at reserved matters to ensure that any surface runoff from the site will not have a negative impact upon the River Severn. Accordingly it is considered that the submitted ecology survey and the submission of further details at reserved matters can overcome the concerns expressed by the Wildlife Trust and that the proposal is compliant with the development plan policy and the NFFP.

- Drainage

The application has been assessed by the Council's Flood and Water Management Team who have confirmed that the drainage details, plan and calculations can be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. This includes a Flood Risk Assessment which could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted as the site is in Flood Zone 1 and exceeds 1 hectare in area in accordance with the guidance provided in paragraph 103 of the NPPF and CS18 of the Shropshire Core Strategy.

- Trees

The application has been submitted with an Arboricultural Impact Assessment which has been assessed by the Council's Tree and Hedgerow Amenity Protection Officer whose comments have been included in full above. The Tree Officer has noted there are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. The Tree Officer has reviewed the categories allocated to the trees and would agree that these are appropriate. There are no significant impacts to important amenity trees arising from the proposed development and no objection is raised to this proposal. In accordance with the Tree Officers recommendation a condition has been attached in order 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.

- Rights of Way

The application has been assessed by the Council's Rights of Way Team whose comments have been included in full above. The RofW Officer has noted that

Footpath 34 (part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. As such the RofW Officer has confirmed that the footpath will not be affected by the application.

- Noise Assessment

The application has been assessed by the Council's Public Protection Officer who has requested the submission of a Noise Assessment at Reserved Matters as to ensure that all properties proposed have a suitable noise environment; the suggested condition has been attached to the recommendation.

- Archaeology

The application has been submitted with an archaeological Desk Based Assessment which has been assessed by the Council's Archaeologist who has recommended a further programme of archaeological work based on surviving earthworks and low but not negligible potential for prehistoric remains.

- Impact on residential amenity

Whilst the layout, appearance and scale of the proposed development is reserved for later approval, the applicant has provided information stating that the facing distance between 'Broadreed' on The Mount and Plot Hawks 2 as shown on the indicative Site Plan (measured to the centre of the two facing facades) is 42 metres. As such it is considered that the site could be developed without a detrimental impact on the privacy of neighbouring properties whose privacy would be further protected by an existing hedge and a number of semi mature trees. Further, more detailed consideration in respect of the impact on neighbouring amenities would be undertaken at the reserved matters stage of development.

## **7.0 CONCLUSION**

**7.1** The proposed development is considered to be acceptable in principle as the proposal represents sustainable development in a sustainable location having regard to the three dimensions of sustainable development. The layout, scale, appearance and landscaping of the scheme are reserved for later approval but in principle it is considered that an appropriately designed scheme will preserve and enhance the character and appearance of the Conservation Area subject to particular regard being given to density, siting, boundary treatment, provision of open spaces and high quality elevation treatments. The proposal is not considered to have any adverse highway or ecological implications. A section 106 agreement will ensure that the relevant affordable housing contribution is secured. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS9, CS11, CS17 and CS18 and the aims and provisions of the NPPF.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

## **9.0 Financial Implications**

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

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

## 10. Background

### Relevant Planning Policies

#### **Central Government Guidance:**

National Planning Policy Framework

#### **Core Strategy and Saved Policies:**

CS1 – Strategic Approach

CS2 – Shrewsbury Development Strategy

CS5 – Countryside and Green Belt

CS6 – Sustainable Design and Development Principles

CS9 – Infrastructure Contributions

CS11 – Type and Affordability of Housing

CS17 – Environmental Networks

CS18 – Sustainable Water Management

#### SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing

#### RELEVANT PLANNING HISTORY:

No relevant planning history.

## 11. Additional Information

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

### Conditions

#### STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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

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

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

5. This permission does not purport to grant consent for the layout shown on the deposited plan Number P01 Rev B submitted with this application.

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

6. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
  - a) Planting plans, including wildlife habitat and features (e.g. bat boxes and bird boxes)
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).

c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).

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

7. The site is greater than 1.0 Ha. and a Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted to the Local Planning Authority for approval with the first of the reserved matters.

A FRA should include, as a minimum:

- ' Assessment of the Fluvial flooding (from watercourses)
- ' Surface water flooding (from overland flows originating from both inside and outside the development site)
- ' Groundwater flooding
- ' Flooding from artificial drainage systems (from a public sewerage system, for example)
- ' Flooding due to infrastructure failure (from a blocked culvert, for example)

The potential impact of flood water from the new site on adjacent properties should be considered, and mitigation proposals described.

Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

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

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

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

9. Prior to construction a noise assessment shall be submitted to the local planning authority for approval in writing and shall include details of any mitigation required to meet target levels for noise. Target levels are those specified in the World Health Organisation Guidelines on Community Noise.

Reason: to protect the health and wellbeing of future residents

10. 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.

11. 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 has been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan 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.

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.

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

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. A total of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building



hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

14. 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 as shown on a site plan prior to first occupation of the buildings hereby permitted.

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

### **Informative(s)**

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

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

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

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

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

4. FP 34 ( part of 'The Severn Way' long distance footpath) runs along the riverside towpath abutting the north eastern boundary of the site identified as shown on the 1:2500 scale plan attached. The footpath will not be affected by the application. However the footpath should remain open at all times during construction.
5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).
6. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

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Committee and date  
 Central Planning Committee  
 1 May 2014

Item  
**9**  
 Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 13/02781/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of two residential dwellings (amended description)		
<b>Site Address:</b> Land to rear 110-112 London Road Shrewsbury SY2 6PP		
<b>Applicant:</b> The Planning Group Ltd		
<b>Case Officer:</b> Tim Rogers	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	

**Grid Ref:** 351137 - 311292

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is seeking full planning permission for the erection of two detached dwellings (amended from three originally) on land currently forming part of the rear gardens to No's 110 and 112 London Road, Shrewsbury. The proposal includes the removal of an attached side garage currently serving no. 112.
- 1.2 Access to the proposed development would be via a private driveway running between No's 112 and 114 London Road which in addition to serving the two proposed dwellings would also serve two parking spaces for the sole use of 112 London Road.
- 1.3 The proposed dwellings would both be two storey and would comprise five bedroom detached properties. The designs of the two dwellings are different one being in a more traditional rectangular form and the other being L-shaped. Both properties would have their primary (front) elevations facing the shared driveway (north-east) with their rear elevations facing the rear gardens of residential properties that front on to Wenlock Road.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the west of London Road, accessed off a service road that runs parallel to it and along a single width driveway proposed to be created along between nos. 112 and 114 London Road, following the removal of the attached side garage to no 112. There is an existing dropped kerb in place and currently the driveway to nos. 110 and 112 is shared, with two entrance/exits points. No. 110 operates under a mixed use of domestic residential and B&B use (three bedrooms B&B) and therefore parking is provided across the whole frontage of both properties.
- 2.2 The site itself is almost T shaped and within a central area of land at the rear of properties fronting London Road to the east, Ebnal Road to the north, Wenlock Road to the west and Huxley Close to the south. Planning permission for residential development on this site has been sought previously in 1997 however it was refused and dismissed at appeal due to the impact of the development upon protected trees to west of the site. The inspector accepted the principle of residential development. The scheme was seeking approval for a higher number of dwellings and proposed access off Huxley Close, a residential cul-de-sac to the south. The agent has confirmed that this route of access is no longer available to them.
- 2.3 In 2012 a planning application was submitted for this site for a similar development involving three detached dwellings (ref 12/03556/FUL) which was refused by Committee for the following reason:-

'It is considered that the proposed development is unacceptable due to the following material considerations:-

- The detrimental impact on the residential amenity of the adjoining surrounding properties, particularly the overbearing impact of Plot C on no. 108 London Road.
- The inadequacy and unsuitability of the proposed access to the site, particularly:
  - the proposed width of 3.9m for the access being below the recommended width of 4.1m.
  - the proposed access did not lend itself to ensuring safe access/egress to users at all times.
  - the provision of the proposed access would have a detrimental impact on the provision of adequate parking for existing dwellings on London Road, leading to potential adverse impacts on the residential amenity of adjoining occupiers and users of the public highway.

Accordingly, the proposal is contrary to adopted Policy CS6 of the Shropshire Core Strategy and to Government advice contained within the National Planning Policy Framework.'

That decision was subsequently appealed by the applicants and the appeal was dismissed. The appeal was running concurrently with the current planning application. The appeal decision is attached as an appendix to this report and is discussed in more detail below.

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

- 3.1 The application involves development of a site which has a significant planning history including previous decisions by Central Planning Committee. In the opinion of the Area Planning Manager, in consultation with the Chair, the application should therefore be considered by Committee again.

### **4.0 Community Representations**

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

**Shrewsbury Town Council** - The Town Council believes there is no additional information or significant changes to the plans submitted as application 12/03556/FUL to warrant it changing its position. The Town Council sees that this application constitutes back-land development is an overdevelopment of the land which would significantly change the ambience of the area. Members are also concerned about the additional traffic congestion this application would generate given its proximity to the entrance/exit to the College on the opposite side of London Road.

- 4.2 **SC Trees (initial comments)** - Further to previous comments on 12/03556/FUL it is accepted that T5 Cherry subject to a Tree Preservation Order can be protected using a cellular confinement system access drive in the root protection area and construction a temporary construction access to avoid the tree. The tree report also shows that the full RPA's of the 3 protected Beech trees on the adjacent site can be protected and there is no incursion into them. Shading of the gardens may be an issue however as the Beech trees are on the western curtilage of the development this will be restricted to afternoons in the summer months and the properties should

receive adequate sunlight at other times. Further comments on the revised scheme will be reported at the meeting

4.3 **SC Highways** – I raise no highway objections to permission being granted for the latest amendment to this scheme, site layout and access as shown on the drawing 110/LR/PP/11. I consider that vehicle movements will be able to be performed satisfactorily to/from the dwellings onto the adjacent service road running parallel to London Road and that all parking associated with the development will be accommodated within the curtilage of the site.

4.4 **SC Drainage** – 1. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). As part of the SuDS, the applicant should consider employing measures such as the following:

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

The use of soakaways should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

2. If the new access road slopes toward the highway, the applicant should submit for approval a drainage system. Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

3. On the Pluvial Flood Map, part of the the garden at the rear of No. 110-112 is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building. Reason: To minimise the risk of surface water flooding.

4.5 **SC Affordable Housing and Enabling** - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually. The current affordable housing contribution rate is 13% and as such a proposal for 1 new open market

dwelling would be liable to make a contribution equivalent to 0.13 of a whole affordable unit (1 x 13%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed. It should be noted that the maximum affordable housing contribution payable until the 31st August 2013 is £11,700 per dwelling.

**NB** Although the contribution rate has changed since submission of the application, the rate to be applied is that at the time of submission.

#### 4.6 **SC Ecology –**

The site has potential for nesting Wild Birds to be present. The recommended informative should be on the decision notice if approved.

There is potential for foraging bats around the site. The recommended condition should be on the decision notice if approved.

#### 4.7 **Local Member Cllr Tandy –** I would like to object to this planning application, firstly I would like to mention the lack of access to the site for which concerns have been raised already, partly due to the lack of access for large vehicles which could present a situation of life-threatening outcomes if an emergency service vehicle is unable to approach the building. Also, the lack of parking will create further congestion within the area as the removal of parking spaces on the site will create a cluttered area with cars parked all over the place. Furthermore, the application has already been turned down before.

Looking at comments made from the public, and on this comment board it is clear that a great deal of the people living within this area feel that their privacy will be infringed upon with the development of these buildings. Within the area, there is a great deal of wildlife and calm amongst the gardens that reside here and it would be important to keep the character of the community that makes it such a desirable location to live in. To finish, I feel that the risks to public safety within the site mean that this site should be rejected again as the access is poor, and the increase in traffic with little or nowhere to go will ruin the aesthetics of the area as well as leading to dangerous entry/exit routes. Therefore I would like to request a committee to further look into this.

#### 4.8 **- Public Comments**

##### 4.8.1 The application has been advertised by way of neighbour letter and site notice. 73 objection submissions have been received (though some individuals have commented several times following amendments to the proposals) and are available to view on the planning file, they may be summarised as follows (Please note some of the comments made were submitted prior to the amendment of the proposals and may therefore be out of date):-

- This re-application has been submitted less than three months after the rejection of an almost identical application, and occurring simultaneously to an appeal of the previous application, is an act of harassment to our

- community.
- Loss of privacy, similar development was turned down by the Planning Committee in April, 2013, also in 1997 when the Secretary of State for the Environment rejected plans for housing on this site, due to the preservation of trees, well managed gardens and wildlife.
  - This is backland development which was unanimously turned down at committee on 4<sup>th</sup> April 2013. The proposed access is still narrow which will cause difficulties for larger vehicles i.e Fire Service Vehicles, This 'Horrible Housing Development', as quoted in the Shrewsbury Chronicle.
  - All of the proposed properties will overlook a number of gardens. A number of the properties surrounding these gardens have very large rear bedroom windows which begin at around knee height. The proposed properties will have a severe impact on the privacy afforded to the rear bedrooms of Ebnal Road.
  - The approach road does not have a pavement, which will increase the danger to pedestrians. Vehicles leaving the properties will have to cross the pavement, with restricted visibility, very close to the new pedestrian crossing point to the college. This approach is not suitable for the route into a housing development and simply does not make sense as an access to the area.
  - Lower branches of large protected trees would significantly impact on the rear aspect of Units A and B, leading to the strong likelihood of ongoing damage to the trees and continuing pressure to reduce them.
  - The proposal is totally out of keeping with the character of properties in the neighbourhood.
  - The detrimental impact on the residential amenity of the adjoining surrounding properties, particularly the overbearing impact of Plot C on no. 108 London Road.
  - The inadequacy and unsuitability of the proposed access to the site, particularly the proposed width of 3.9m for the access being below the recommended width of 4.1m. The proposed access did not lend itself to ensuring safe access/egress to users at all times. The provision of the proposed access would have a detrimental impact on the provision of adequate parking for existing dwellings on London Road, leading to potential adverse impacts on the residential amenity of adjoining occupiers and users of the public highway.
  - Overshadowing effect of the gables and roofs of the properties close to existing boundaries.
  - Inadequate parking; the number of parking spaces have been reduced even further to three less than the previous application.
  - This scheme is contrary to Policy CS6 of your own Core Strategy which relates to design and development of such areas.
  - A member on the planning committee previously stated that the application, 'Is about putting an estate within an estate and whether that is the right thing to do?'
  - The access problems and parking issues which were highlighted as a major problem in the previous application still remain. The number of vehicles at the applicants premises continuously causes issues and may well prevent access for emergency vehicles should the application be approved.
  - There has been a small reduction of parking spaces in the proposed



development which would undoubtedly mean an increase in the on-road parking which would be both hazardous and dangerous.

- The proposed bungalow (Plot C) is still overbearing on the neighbours property whose privacy would be severely affected and totally unacceptable both in noise and being so close to the boundary.
- The application appears to be completely insensitive to the local area.
- Note its submission in the height of the holiday period presenting difficulty for many in responding within the time frame due to holiday commitments.
- The arboricultural report is both out of date and inadequate.
- The parking available at the applicants properties was misunderstood by the previous appeal Inspector.
- The proposed parking at the rear for No 112 London Road will lead to occupiers congregating by their vehicles (whilst smoking) potentially causing nuisance to neighbouring occupiers.
- Who will police the dedicated parking for No 112 London Road at the rear and what is there to prevent further parking being created?
- The use of gravel for the driveway/parking will have significant noise implications for neighbours. Non porous material will have significant drainage implications.
- Manouvring vehicles to access parking/garaging will have significant noise implications for adjoining properties.
- The houses are still crammed in and will appear as a single large block.
- Notwithstanding the comments of the previous appeal Inspector access issues will still potentially be a problem especially at drop off/pick up times for the nearby college.

4.8.2 Since this report was originally drafted, two further objections have been received. The concerns expressed therein are summarised as follows:-

- Comparison to development at 94 London Road is erroneous as the access and layout there is much better.
- Insufficient consideration has been given to the narrowness of the access and the issue of access for emergency vehicles and access to water supply.
- The proposed dwellings will appear as one block from most available viewpoints, and visual impact to properties on London Road will be exacerbated by the rising nature of the land.
- Privacy and amenity in the rear garden of 108 London Road will be severely compromised by the proposal especially if the adjacent conifers are removed as is likely.
- The proposal is completely out of character and does not reflect local distinctiveness.

## 5.0 THE MAIN ISSUES

- 5.1 Principle of development  
Siting, scale and design of structure  
Impact on residential amenity  
Parking  
Access and visibility

Impact on trees/ecology  
Visual impact and landscaping

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 The application site is located within the Shrewsbury Urban Area therefore should be assessed against Core Strategy Policy 2: Shrewsbury Development Strategy. The policy states that Shrewsbury's will provide the primary focus for development for Shropshire providing approximately 25% of its additional housing for the period 2000-2026 (approximately 6,500 dwellings – 325 dwellings per annum). The site is situated within the Shrewsbury urban area, regarded as a sustainable location where the principle of residential development is accepted.
- 6.1.2 Core Strategy Policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and states that it should be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to the local character having regard to national and local design guidance. Proposals should safeguard residential and local amenity.
- 6.1.3 The minutes for the meeting of the Central Planning Committee on the 4th April 2013 at which the previous application for this site was considered (ref 12/03556/FUL), make it clear that members believed the proposal to be contrary to the requirements of adopted Core Strategy policy CS6 for a number of reasons which were expressed in the reason fro refusal. The current application is similar to the previous refusal and the issues of concern identified in that decision are discussed in more detail below.
- 6.1.4 Core Strategy Policy CS9 requires development that provides additional dwellings to help deliver more sustainable communities by making contributions to local infrastructure. Should the application receive approval the development will be invoiced for a Community Infrastructure Levy contribution.
- 6.1.5 Core Strategy Policy CS11 seeks to ensure that all new open market housing developments make appropriate contributions to the provision of local needs affordable housing. As such the application would be subject to a contribution of £35,100.00 and this would be secured via s106 legal agreement.
- 6.1.6 Finally the proposal will also be assessed against CS17: Environmental Networks which states that development should not have a significant adverse impact on environmental assets. As described above, there are several protected trees along the boundary of the site which must be appropriately protected and conserved.
- 6.1.7 The principle of development was accepted by the Planning Inspector at the time of the appeal in 1997. In addition to this, a property within relatively close proximity has been granted outline planning permission for the erection of a dwelling at the rear, with access being similar to that currently proposed – no. 94 London Road.

6.1.8 The site is a backland site to the rear of properties that front London Road, Ebnal Road and Wenlock Road. There is however no automatic 'ban' on backland development. The key issues in the determination of this issue relate to the impact of the development of two detached dwellings, and the associated access, upon the context and character of the area and upon the local and residential amenities of surrounding properties.

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

6.2.1 A present the site forms part of the curtilage of nos. 110 and 112 London Road, which are both owned by the applicant. Plots A and B are proposed in the south western part of the site as previously indicated in the earlier application although their exact position and design has been altered. The concerns of Members in respect of the previous proposal related primarily to the siting of Plot C as then proposed and its impact on the adjoining property at 108 London Road. That element has now been completely removed from the current application with the reduction from three dwellings to two.

6.3.2 It is acknowledged that the proposed properties are large detached dwellings. They would however not be unique in this respect within the locality and they would enjoy large curtilages which is a feature of properties locally. The two properties are quite close together but in officer's opinion there is adequate separation to avoid them being viewed as a single and overly large mass. The design of the proposed properties is considered to be acceptable.

## **6.4 Impact on residential amenity**

6.4.1 Distances between windows serving both existing and proposed properties will be more than adequate to ensure that no unacceptable loss of privacy or amenity occurs. Furthermore in many instances direct views of the site and therefore the proposed dwellings will be interrupted by trees on and around the site that will remain should the development be approved.

6.4.2 It is acknowledged that the proposed development will lead to some increased overlooking of the gardens to neighbouring properties, but this will simply be in addition to the overlooking that nearly all properties are subject to in a suburban setting and will not in the opinion of officers be excessive or unacceptable.

6.4.3 It was an acknowledged concern of the Inspector at the time of the previous appeal that vehicle movements and manoeuvring could have a potentially unacceptable impact on the residents of adjoining properties. Revisions to the scheme including the reduction in number of dwellings (and therefore potential vehicle movements) and the realignment/repositioning of the spaces to serve 112 London Road have largely overcome these concerns. Officers do not consider that refusal of the application could be sustained for this reason.

## **6.5 Parking**

6.5.1 Parking space commensurate with the number and size of the proposed dwellings would be provided within the site, plus the provision of two spaces served off the private drive to serve 112 London Road replacing parking lost to facilitate the new access. The parking provision is therefore considered to be acceptable. Whilst it is noted that Neighbours have significant concerns about the levels of parking at

110/112 London Road and the enforcement of conditions imposed on permission for commercial use (B&B) this is not something that can be addressed through consideration of the current planning application other than to make sure that the overall provision is not reduced.

## **6.6 Access and visibility**

6.6.1 The Highways Development Control officer has raised no objection to the proposed access in terms of highway safety. Whilst this was clearly a concern of local residents and Members at the time of the previous application it was not a view that was subsequently supported by the appeal Inspector (decision appended), other than in respect of vehicle manoeuvring in close proximity to the boundary with 108 London Road to access tandem parking spaces. The applicants have subsequently amended the current scheme to address this concern, and officers are therefore firmly of the opinion that there is no justification to refuse the application on the grounds of the inadequacy of the access or impact of vehicle movements on the amenity of adjoining occupiers. The issue of potential noise from a gravel service can be dealt with by an appropriately worded condition.

## **6.7 Visual impact and landscaping**

6.7.1 Whilst it is acknowledged that there will inevitably be a visual impact from the proposed development this will largely be restricted to the outlook from adjoining properties. These properties do not have a right to an uninterrupted view and the large gardens that they enjoy will ensure adequate separation from the proposed dwellings to ensure that the impact on their visual amenity will not be so significant to be unacceptable or warrant refusal of the application.

6.7.2 There are several trees along the rear boundary of the site which are protected by tree preservation orders. The Tree Officer is satisfied that they can be retained and protected as part of the application. Having considered this further the rear gardens of Plots A and B would be overshadowed from mid-afternoon onwards but the rear elevations of the dwellings should remain unaltered and benefit from a sustained level of natural light. A condition requiring an overall landscaping scheme to be agreed will help to ensure that the proposal as a whole adequately assimilates into its surroundings in time.

## **7.0 CONCLUSION**

7.1 The officer's recommendation of approval for the previous planning application 12/03556/FUL was a balanced recommendation having weighed up all material planning considerations. It was entirely reasonable for members to come to a different conclusion having assessed the relevant planning considerations, which in the case of the previous proposal they did. Committee members stated specific reasons why they considered the previous development was not acceptable and those were clearly set out in the reason for refusal. The decision and the reasons (to some degree) were subsequently upheld on appeal. It should however be noted that the Inspector did not consider the Council's concerns about the adequacy of the proposed access to be adequately justified or demonstrated, and indeed awarded costs against the Council in respect of this particular matter.

7.2 It is now the view of officers that sufficient alterations have been made to the proposal to overcome the previous reason for refusal and the concerns relating to the previous application which cumulatively led the Inspector to dismiss the appeal. For this reason it is recommended that the application should be approved subject to the recommended conditions below and to the satisfactory completion of a S106 Agreement or Unilateral Undertaking on behalf of the applicant, to secure the provision of an appropriate financial contribution to the provision of affordable housing in line with adopted Council policy.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:  
CS2 – Shrewsbury Development Strategy  
CS6 – Sustainable Design and Development Principles  
CS9 – Infrastructure Contributions  
CS11 – Type and Affordability of Housing  
CS17 – Environmental Networks  
CS18 – Sustainable Water Management

### SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing  
Sustainable Design (Part 1)

### RELEVANT PLANNING HISTORY:

12/03556/FUL Erection of three residential dwellings with integral garages; formation of vehicular access following demolition of existing garage REFUSE 17th April 2013  
SA/07/0201/F Change of use from residential to part residential, part bed and breakfast accommodation to allow 3 rooms to be let; retention of guest dining room and construction of dormer window in rear elevation in connection with conversion of loft PERCON 21st June 2007

### Appeal

13/02053/REF Erection of three residential dwellings with integral garages; formation of vehicular access following demolition of existing garage DISMISSED

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 Jon Tandy

Cllr Ted Clarke

Cllr Jane Mackenzie

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

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

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

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

Means of enclosure

Hard surfacing materials

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.

5. The development hereby approved shall not be commenced until full details of the means of all means surface water disposal and management (to include plans, calculations, finished floor levels of the proposed dwellings and any means of attenuation if required) have been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details agreed.



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 surface water flooding..

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

6. No dwelling hereby approved shall be occupied until full details of the finished surface to the whole access drive and all parking areas has been agreed in writing with the Local Planning Authority, and the work has been fully undertaken in accordance with the details agreed. The agreed surface shall thereafter be retained as agreed and undertaken for the lifetime of the development.

Reason - To ensure that the finish of the driveway and parking areas is satisfactory in terms of potential noise generation and impact on the amenity of adjoining occupiers, and also drainage.

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

7. All site preparation and construction work undertaken on site shall be carried out strictly in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan by Forester & Arborist Services Ltd dated 29th January 2014.

Reason - To ensure adequate protection for trees to be retained on and around the site in the interests of visual amenity and ecological value..

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

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

#### **Informative(s)**

1. Where possible trenches on the site to which this consent relates 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 a means of escape should be provided in the form of a sloped board, plank or earth ramp. All open trenches should be inspected at the start of each working day to ensure no animal is trapped.
2. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

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

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

3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
4. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

6. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.



## Appeal Decision

Site visit made on 28 November 2013

by **J D Westbrook BSc(Hons) MSc MRTPI**

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

Decision date: 17 December 2013

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### Appeal Ref: **APP/L3245/A/13/2200473**

#### **Land to rear of 110-112 London Road, Shrewsbury, SY2 6PP**

- 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 The Planning Group Ltd against the decision of Shropshire Council.
  - The application Ref 12/03556/FUL, dated 17 August 2012, was refused by notice dated 17 April 2013.
  - The development proposed is the demolition of an existing garage and the erection of three residential dwellings with associated vehicular access.
- 

#### **Application for Costs**

1. An application for costs was made by The Planning Group against Shropshire Council. This application is the subject of a separate decision.

#### **Decision**

2. The appeal is dismissed.

#### **Main Issues**

3. There is no disagreement regarding the acceptability of residential use of the site in principle. The main issues in this case are, therefore, the effect of the proposed dwellings on:
  - The character and appearance of the area around London Road, Ebnal Road and Wenlock Road,
  - The living conditions of the occupiers of neighbouring houses by way of outlook and disturbance, and
  - Highway safety by way of access and off-street parking provision.

#### **Reasons**

4. The appeal site comprises a large proportion of the rear garden areas of Nos 110 and 112 London Road. Nos 110 and 112 are a pair of semi-detached properties on the western side of the road. No 110 has an authorised use as part Bed and Breakfast and part residential, while No 112 is a dwelling. The two properties share a common front garden area which is currently given over
-

to car parking. No 110 has an integral garage and No 112 has an attached garage. Both properties are accessed from a service road that runs parallel to London Road itself.

5. The proposed development would involve the demolition of the attached garage at No 112 and the formation of an access road to land currently forming part of the rear garden areas to Nos 110 and 112. On this land would be constructed three detached dwellings. Two dwellings (Plots A and B) would be sited to the rear of the site and a third (Plot C) would be sited nearer to the front of the site and close to the boundary with the adjacent No 108 London Road.

#### *Character and appearance*

6. The appeal site is surrounded by residential properties on London Road, Ebnal Road and Wenlock Road. These are semi-detached and detached houses with long, and in some cases very long, back gardens which are, in the main between 25 metres and 40 metres in depth. Moreover, between them they contain a significant number of mature and semi-mature trees. The overall character of the area is one of a spacious, well landscaped residential estate.
7. Plots A and B would have short rear gardens of between 11 and 13 metres depth, at the south western end of which are three large Beech trees. The submitted plans show the houses as having solar panels on the south-western facing roof plane. The trees currently overhang the proposed rear gardens by a significant amount and the Council has expressed some concerns regarding the overshadowing effects of these trees. I share these concerns and consider it likely that there would be pressure from the occupiers of the houses on Plots A and B to cut back or otherwise reduce the size of these trees because of the effects of overshadowing on the small rear gardens and the solar panels.
8. The distance between habitable room windows in the houses on Plots A and C is only a little over 21 metres. Whilst this may be adequate, it is barely so and is an indicator of a somewhat cramped layout within the site. Plot C is only 24 metres from the rear elevation of Nos 110 and 112 London Road and is only 0.7 metres away from the boundary with No 108. The proposed access driveway would be close to the southern elevation of the house on Plot C, which would have only a relatively small private amenity area in the context of the surrounding area.
9. In conclusion on this issue, I find that the layout of the proposed development would appear somewhat cramped and out of character with the area around London Road, Ebnal Road and Wenlock Road. It would not respect local distinctiveness, nor would it be appropriate in scale taking into account the local context and character. It would, therefore, conflict with policy CS6 in the Council's Core Strategy (CS).

#### *Living conditions*

10. The proposed house on Plot C would be only 0.7 metres from the boundary with No 108. There would be a gable end with a roof ridge some 7 metres high and a lower garage with bedroom above running alongside the boundary. This northern elevation would have a small living room window at ground-floor level and a bathroom window at first floor level. The house would be sited approximately half-way along the length of the rear garden of No 108.

11. The Council and the occupier of No 108 contend that the proposed house would appear overbearing and that there would be loss of privacy. The house would be very close to the boundary, but it would be sited well away from the dwelling at No 108 and issues of overlooking could be dealt with by way of a suitable condition. On this issue, therefore, I find that there would be some harm to the living conditions of the occupiers of No 108, but that this would not be significant. It would not, on this basis, conflict with Policy CS6 of the CS, which requires new development to safeguard residential amenity. Nevertheless, the siting of the proposed house on Plot C, and the resultant proximity to the boundary of No 108, adds to my concerns regarding the cramped nature of the development on its plot.

*Access and parking*

12. The proposed development would require the demolition of the garage at No 112. There would be a new access road constructed which would be some 4.2 metres wide for the first 6 metres, reducing to 3 metres for the next 20 metres or so, and then widening to 4.2 metres as it passes Plot C. The highway authority has indicated that the width of the access at its junction with the service road followed by the short length of 3 metre width would be acceptable and, in terms of highway safety, I concur with this point of view.
13. The creation of the access would result in the loss of two car parking spaces serving Nos 110 and 112. These spaces would be replaced with two spaces provided in tandem between Plot C and the rear boundary to Nos 110 and 112. Whilst on the face of it this appears to leave parking provision unaltered, I have concerns that the creation of the access road would result in turning space for vehicles attempting to park at the front of No 112 being compromised, and resulting in noisy manoeuvring of vehicles to the front of the property.
14. Moreover, the new tandem spaces to the rear would be only around the minimum width of 2.4 metres, but would apparently have boundary fencing along one full side and part of the other side. There would also be limited scope for manoeuvring into and out of these spaces from the narrow access road. Since these spaces will be unallocated and may well be used for patrons of the Bed and Breakfast at No 110, I find that the tandem arrangement could prove to be awkward and noisy, with limited space for exiting and entering vehicles together with additional turning movements to the front of Plot C.
15. The access driveway to Plots A and B would be created in very close proximity to a protected tree on the southern boundary of the site. Whilst the driveway could potentially be constructed using techniques that would protect the tree to some extent, it would appear that a significant degree of crown lifting would be necessary to allow clear passage of vehicles. Furthermore, the house on Plot C would appear to encroach, albeit slightly, into the root protection area (RPA) of the protected tree. The overall effect could potentially be harmful to the future health of the tree.
16. The appellants have noted the existence of a recent planning permission where a narrow access drive has been permitted at 94 London Road. However, it appears that this drive is intended to serve only a single dwelling and it would, therefore, not have the same level of traffic or impact on neighbouring properties as the current proposal.

17. In conclusion on this issue, I find that there are a number of concerns regarding the detrimental impact of the new access road and parking provisions arising from this proposal. In my opinion, none of these are sufficient on an individual basis to cause significant harm to highway safety or the residential amenities of the surroundings. However, their cumulative effect would be to add to my already substantial concern that the overall proposal represents a cramped development which is uncharacteristic of the area, and which would, in addition, be likely to result in disturbance to the occupiers of Plot C and No 112 London Road. On this basis, it would conflict with Policy CS6 of the CS with regard to its requirements to protect the natural environment, respect the local context, safeguard residential amenity, and provide appropriate car parking provision.

### **Conclusion**

18. I find that the proposed development would be cramped on its plot. The private gardens for the houses would be very small in the context of the area and this would be likely to result in pressure to cut back or otherwise reduce the size of mature trees on and around the site. It is likely that there would be noise and other disturbance caused by the position of the access road and the need to replace parking spaces from the front of Nos 110 and 112 to the rear. The house on Plot C would be very close to the side boundary with No 108, and also relatively close to the house on Plot A and to Nos 110 and 112 in the context of the spaciousness of the surrounding area.

19. All of these factors combine to result in a development that would not respect the context of the surrounding area, and that would cause significant harm to the character and appearance of that area and also to the living conditions of the occupiers of the house on Plot C and adjacent houses. I dismiss the appeal.

*J D Westbrook*

INSPECTOR



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

<u>Item</u>
10
Public

## APPEALS AND APPEAL DECISIONS

<b>LPA reference</b>	13/03489/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr John Dean Price
<b>Proposal</b>	Change of use of land to form residential caravan (gypsy traveller) site for two gypsy families to include two pitches each with one static caravan/mobile home and one touring caravan and erection of an amenity block/utility building (retrospective) and provision of a bin store (amended description)
<b>Location</b>	Sparrow Cottage 150 Shawbury Heath Shawbury SY4 4EA
<b>Date of application</b>	29.08.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	24.10.2013
<b>Date of appeal</b>	01.04.2014
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	13/02812/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr & Mrs J Harmer
<b>Proposal</b>	New two-bedroom bungalow for holiday letting in existing wooded area.
<b>Location</b>	Little Broomcroft, Kenley, SY5 6NQ
<b>Date of application</b>	16.07.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	delegated
<b>Date of decision</b>	04.10.2013
<b>Date of appeal</b>	21.01.2014
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	04.04.2014
<b>Date of appeal decision</b>	22.04.2014
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>Dismissed</b>
<b>Details</b>	The main issues are the sustainability of the proposal and its effect on the character and appearance of the surrounding countryside.

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## Appeal Decision

Site visit made on 4 April 2014

by **G Powys Jones MSc FRTPI**

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

Decision date: 22 April 2014

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**Appeal Ref: APP/L3245/A/14/2211475**

**Little Broomcroft, Kenley, Shrewsbury, SY5 6NQ**

- 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 John Harmer against the decision of Shropshire Council.
  - The application Ref 13/02812/FUL, dated 8 July 2013, was refused by notice dated 4 October 2013.
  - The development proposed is a new two-bedroom bungalow for holiday letting in existing wooded area.
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### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are the sustainability of the proposal and its effect on the character and appearance of the surrounding countryside.

### Reasons

3. The appeal site lies deep in the heart of the open countryside where local and national policies are generally inimical to new development other than in defined circumstances. One such circumstance, provided for in policy CS16 of Shropshire Council's Adopted Core Strategy (CS), is the provision of high quality visitor accommodation. However, the policy contains a proviso that '*..in rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Where possible, existing buildings should be re-used.*'
4. The CS was adopted a year or so before the publication of the *National Planning Policy Framework* (the Framework). However, the thrust of the policy is not inconsistent with provisions of the Framework at paragraph 28, in particular that local plan policies '*...should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside...*' In this regard CS policy CS16 is generally consistent with the provisions of the Framework and attracts full weight.
5. The proposed bungalow would be sited in an elevated position alongside a large open field on a cleared area of ground within a belt of trees. It would share an existing access off the public highway with Little Broomcroft, but in view of its

- relative dislocation from that property, the new bungalow would also require a lengthy new drive to be built on a fairly steep slope at the edge of the field.
6. The proposal involves 'new-build' rather than the re-use of an existing building, and there is no suggestion that the accommodation is required in association with an established and viable tourism enterprise. Being isolated, the site is not within a settlement, and nor is it close to one, particularly one offering a range of services.
  7. In this respect, I visited the church in Kenley and saw evidence in nearby buildings of a former school and post office, long disused for these purposes and converted to residential use. The appellant correctly describes Kenley's form as 'dispersed'; it has no clearly identifiable heart, and other than the church it does not appear to have retained any facilities. The nearest bus stop is said to be two miles away from the appeal site, and it is therefore likely, given the relative isolation of the appeal site from shops, pubs and other services that most, if not all journeys from the proposed tourist accommodation would need to be made by car.
  8. The bungalow's design is such that it would not look out of place in an urban suburb, and there is no convincing evidence that its countryside location influenced its proposed appearance. Its main saving grace, given the screening currently afforded by trees, is that it would not be widely seen. However, the construction of an inappropriately designed building in this isolated location would materially affect the intrinsic character of this area of largely unspoilt and attractive countryside, to its detriment.
  9. The proposal is therefore at odds with the provisions of CS policy CS16 in several respects, and does not amount to the form of sustainable rural tourism envisaged and encouraged in the Framework.
  10. The appellant has pointed to several other matters which are material to my considerations, including:
    - the bungalow is designed to cater for the needs of disabled visitors, and a paucity of such accommodation exists locally;
    - the 'low carbon' credentials of the property;
    - the attractiveness of the location to visitors;
    - that the applicant is employed in the agricultural industry and that the proposal is a diversification of such a use, assisting the local rural economy. In this respect, however, it was clarified at the site visit that the applicant's main connection with agriculture is in a consultancy role.
  11. These considerations, singly and in combination, attract some but not sufficient weight to indicate that a departure from the provisions of the development plan is justified. The provisions of the development plan must therefore prevail.
  12. I conclude that the proposal represents an isolated, unsustainable form of development in the terms of national and local policy and would harm the intrinsic character of the countryside. A conflict accordingly arises with those provisions of CS policy CS16 already referred to in paragraph 3 of this decision.

### **Other matters**

13. The Parish Council objects to the proposal for much the same reasons as the Council. References to other development plan policies and to other parts of the Framework have been made, but the local statutory policy and those aspects of the Framework to which I have referred are considered the most relevant in the particular circumstances of this appeal.
14. The new national *Planning Practice Guidance* has been published recently, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.
15. The appellant's reference to another appeal decision<sup>1</sup> concerned with new tourism accommodation in the area has been considered. I am not aware of all the details or circumstances of that case but they appear, judging from the published decision letter, to be significantly different to those before me. Of especial note is that the Inspector considered the other appeal site to be sufficiently close, particularly on foot, to two settlements offering shops, public houses and other services. The other site was also more accessible to public transport facilities.
16. All other representations have been taken into account but none are of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

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<sup>1</sup> APP/L3245/A/13/2193029

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<b>CENTRAL PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 01 May 2014</b>		
<b>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</b>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6.	14/01105/FUL Land Adj Field House	Neighbour
<p>I am really worried about the access for the new houses being built, and about to be built on land adjacent to Field House, Shepherds Lane, Bicton. Three houses are being built, and planning is in for six more, which will mean that access for nine houses, (at least eighteen cars), will enter Shepherds lane, about 50 yards from a major cross roads. This cross roads has been the site of many accidents, including fatalities, the latest accident being just yesterday. One car on its side Police and ambulances called. Many children use this lane, as does the school bus, which picks them up and drops them off each day. As I have said, this junction will just make it worse. Please help.</p>		
6.	14/01105/FUL Land Adj Field House	Agent
<p>I have visited the neighbour Gordon Wallach this morning, and we have agreed to:</p> <ol style="list-style-type: none"> <li>1. move plot No.9 a further 1m east away from the Field House annexe extension</li> <li>2. move plot No.9 a further 1m north from the Field House garden boundary (the shared boundary with plot No.8 and 9)</li> <li>3. add a further fence of 1.8m high along the boundary with Field House set behind the existing post and rail fence along the shared boundary with plot No.8 and 9</li> </ol> <p>I attach an amended plan showing this detail and I would ask that this is presented to the Planning Committee tomorrow.</p> <p>I have copied into this email Mr Wallach for his information.</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
7	14/00328/EIA Bank House Poultry, Yockleton	Environment Agency
<p>The Environment Agency confirms that they have removed their objection. Their comments are summarised below.</p> <p><b>Odour:</b> We agree with the modelled results in the odour assessment report which indicate that odour during the crop cycle is unlikely to cause annoyance. This of course assumes the units will be well managed and odour is actually consistent with the emission rates modelled – there is no reason to assume this would not be the case.</p> <p>The consultant has provided additional clarification on the frequency and duration of clean out. We note that the sheds will be cleaned out in one day and this will take “2 hours per shed”. This will occur “7.6 times per year”. We also note that the proposed sheds will be some 420m from the nearest sensitive receptor, however, for completeness; the installation boundary as identified by the Environmental Permit will also include the existing sheds which are within 400m of the nearest sensitive receptor.</p>		

The Odour Assessment Technical Note has used a higher odour emission rate which is considered to be representative of 'end of crop cycle'. This would be considered worst case for odour emissions from the crop cycle. We note that this rate has been used throughout the model and is unlikely to cause annoyance. The report acknowledges the odour could be four times greater during clean out than the normal operational scenario. Based on our present understanding complaints are therefore likely during clean out. However, whilst an options appraisal could better inform the most suitable technical option, we acknowledge clean out occurs infrequently "4 hours for 7.6 times per year", in this instance we have had regard to the distance to the nearest sensitive receptor and the predominate wind direction.

The e-mail from the Consultant does suggest some control measures which could be used to reduce the likelihood of odour annoyance during these essential work periods, which will be secured through the Environmental Permit (EP).

It should be noted the operator will be required to have an Odour Management Plan (OMP), controlled as part of the EP, to reduce odour emissions from the site. However, this still may not necessarily prevent all odours at levels likely to cause annoyance; and the OMP requirement is often a reactive measure where substantiated complaints are encountered. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level.

It is likely that we would be in a position to grant an EP, without prejudice, based on the information provided. This would include an OMP to be implemented and a reactive condition to address any substantiated complaints in the future.

**Biomass Boilers:**

The proposed biomass boilers would be regulated under the future EP as a source of emission. We understand that two 199kW biomass boilers are proposed. Based on the capacity of the biomass boilers and the proximity of the site to designated sites, we will not require a quantitative assessment of air emissions in this instance. In the context of both of our organisations role as 'competent authority' under the terms of the Conservation of Habitats and Species Regulations (2010), we trust that the above gives you sufficient reassurances in coming to a decision under your role as 'competent authority' in the planning process.

**Surface Water Drainage:**

We note that the applicant has submitted additional information confirming that the proposed drainage scheme is designed to provide storage for a 1 in 100 year event plus a 20% allowance for climate change. We would leave the detail of this for consideration by the Council's Flood and Water Management team, as the Lead Local Flood Authority.

Item No.	Application No.	Originator:
8.	14/00743/OUT Land West of Bryn Road, The Mount Shrewsbury	Officer response to letter objecting to procedure

The application was advertised as a Departure in the Shropshire Star on the 22<sup>nd</sup> April 2014 for a 21 day period expiring on the 13<sup>th</sup> May 2014. In accordance with the publicity requirements are set out in Section 13 Town and Country Planning (Development Management Procedure) (England) Order 2010/2184. There is a requirement in Section 28 of the Order to take the representations received into account before the application is determined. A letter of objection has been received claiming that the Council would not be adequately taking any representations into account as the matter has been referred to committee prior to the deadline for receipt of representations. However, the application

will not be determined by the Committee rather a resolution will be granted subject to no new material considerations being raised and this would not breach Section 28 of the Act. Officers would discuss any new material planning objections with the Committee Chair and Vice Chair who in consultation with Officers would confirm whether the application could be determined as a delegated item or would have to be referred back to Members to consider the new material planning objections. However it should be clarified that the application has already been advertised as a Major in a Conservation Area in the Shropshire Star on the 4<sup>th</sup> March for a 21 day period expiring on the 25<sup>th</sup> March 2014 in addition to a Site Notice displayed on and expiring on the same day; as such the additional advertisement is to publicise the application as a Departure only.

In addition a letter has been received from The Mount Resident's Group requesting that the application site be considered as Local Green Space. Officers were aware of the request and addressed this within paragraph 6.3.8 of the Committee Report.

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