

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

Date: Wednesday, 13 August 2014

Committee:
Central Planning Committee

Date: Thursday, 21 August 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

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

Substitute Members of the Committee

Peter Adams
Tim Barker
Roger Evans
John Overall
Hannah Fraser
Alan Mosley
Keith Roberts
Jon Tandy
Mansel Williams

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 252738
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the Minutes of the meeting of the Central Planning Committee held on 26 June 2014.

Contact Linda Jeavons on 01743 252738.

3 Public Question Time

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

4 Disclosable Pecuniary Interests

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

5 Land To The Rear Of 21 Hanley Lane, Bayston Hill, Shrewsbury, Shropshire (14/00823/OUT) (Pages 11 - 30)

Outline application (access for approval) for the erection of 15 dwellings.

6 Development Land South Of Brook Cottages, Ford, Shrewsbury, Shropshire (14/01036/OUT) (Pages 31 - 62)

Outline application for residential development (up to 30 dwellings) to include access.

7 Development Land North Side of Station Road, Dorrington, Shrewsbury, Shropshire (14/01037/OUT) (Pages 63 - 84)

Outline planning application (all matters reserved) for mixed residential development.

8 1 Red Barn Lane, Shrewsbury, SY3 7HR (14/02425/VAR) (Pages 85 - 94)

Variation of Condition No.5 attached to Planning Permission 12/04261/VAR to allow the annex to be used as a stand-alone holiday cottage.

9 Foxholes Buildings, Little Ness, Shrewsbury, Shropshire (14/02385/EIA) (Pages 95 - 120)

Erection of three poultry rearing buildings, eight feed bins and other ancillary buildings, landscaping including ground modelling and tree planting.

10 Schedule of Appeals and Appeal Decisions (Pages 121 - 128)

11 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 18 September 2014 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

21 August 2014

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 26 June 2014

2.00 - 6.00 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 252738

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Miles Kenny, Jane MacKenzie, Pamela Moseley, Peter Nutting, Kevin Parady, David Roberts and Tim Barker (Substitute) (substitute for Tudor Bebb)

16 Apologies for absence

An apology for absence was received from Councillor Tudor Bebb (Substitute: Councillor Tim Barker).

17 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 29 May 2014 be approved as a correct record and signed by the Chairman.

18 Public Question Time

There were no public questions, statements or petitions received.

19 Disclosable Pecuniary Interests

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

With reference to planning application 14/00701/FUL, Councillor Tim Barker stated that, for reasons of pre-determination, he would make a statement and then leave the room during consideration of this item and not vote.

With reference to planning application 14/01037/OUT, Councillor Tim Barker stated that, for reasons of pre-determination, he would make a statement and then leave the room during consideration of this item and not vote.

With reference to planning application 13/04967/OUT, Councillor David Roberts stated that he was acquainted with and knew the landowner and he would leave the room during consideration of this item and not vote.

With reference to planning application 14/01037/OUT, Councillor David Roberts stated that, for reasons of a prejudicial nature, he would leave the room prior to consideration of this item and not vote.

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

20 Development West Of Caradoc View, Hanwood, Shrewsbury, Shropshire (13/04967/OUT)

In accordance with his declaration at Minute No. 19, Councillor David Roberts left the room during consideration of this item.

The Principal Planner introduced the application and explained that the recommendation should refer to both an off-site and on-site affordable housing provision/contribution and the conditions were as set out in Appendix 1 (and not Appendix 2). He confirmed Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, indicative layout and proposed access.

Cllr M Roughan, representing Great Hanwood 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:

- He drew attention to paragraph 2.1 of the report and expressed concern that further development would take place on the remainder of the agricultural field;
- Drainage issues remain unresolved and prior to any works taking place on this site it should be demonstrated that development would be possible without increasing the problem. Any drainage issues should be dealt with at outline stage rather than at the reserved matters stage;
- Flooding – Shropshire Council should assess and ensure that any flood risk would be avoided;
- Speed limit was 40 mph and not 30 mph;
- The site would not be sustainable;
- The site had been rejected during the Site Allocations and Management Development Plan (SAMDev) process; and
- The footpath on the southern side of the A488 was narrow;
- Insufficient open/play areas proposed; and

- If approved the applicant should address any surface water run-off problems.

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:

- No technical issues had been raised which would prevent building on this site;
- Hanwood was a sustainable location;
- The site had been the subject of a previous planning application and as such access at this location had already been established;
- He provided confirmation that the applicant had agreed to a contribution of £25,000 towards the provision of a light controlled pedestrian crossing;
- Would be willing to agree to any additional appropriate conditions; and
- This site was a sustainable location.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Roger Evans, as local Member, participated in the discussion and spoke against the proposal but did not vote. During which he raised the following points:

- The SAMDev requirement in this area would be satisfied without developing this site;
- He expressed serious concerns with regard to highway safety and suggested that the provision of a light controlled pedestrian crossing should be investigated and conditioned as necessary;
- If approved, flooding issues should be addressed now and not at reserved matters stage;
- He reiterated the concerns of the Parish Council that development could take place on the remainder of the field;
- This site had been the subject of a previous application for a nursing home and had had been supported on-balance by the Parish Council. It had not been a pre-cursor exercise for development on this site.

The Principal Planner, Area Planning and Building Control Manager and Area Highways Development Control Manager (Central) provided clarification on drainage and confirmed appropriate conditions would be attached to any permission; the local infrastructure and highway network; agricultural land classification; and explained that the sub five year land supply issue was a County-wide issue.

In the ensuing debate, Members considered the submitted plans, noted the comments and concerns of all speakers and continued to express reservations with regard to highway safety.

RESOLVED:

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

- A Section 106 Legal Agreement relating to the affordable housing element;
- The conditions as set out in Appendix 1 to the report; and

- That the Area Planning Manager be granted delegated authority to undertake negotiations with the applicant with regard to an appropriate contribution towards the provision of a light controlled crossing.

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

With reference to Minute No. 8, the Area Planning and Building Control Manager introduced the application and explained that the application had been deferred at a previous meeting for the reasons as set out in the report. He confirmed Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, access, elevations and layout.

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

- This would not be a suitable location for 75 homes;
- He expressed concern regarding the knock-on effect on the road network. Ellesmere road and the junctions at Coton Hill and Chester Street were already at or beyond full capacity; and
- The scheme would be out of keeping with the area. The houses on the western side were linear with the exception of one cul-de-sac.

In response to questions and concerns of Members, the Area Highways Development Control Manager (Central) provided clarification on the implications of the development on the local infrastructure.

In the ensuing debate, Members considered the submitted plans, noted the comments and concerns of the local Ward Councillor and continued to express their own reservations with regard to impact on the road network. The majority of Members supported the proposal.

RESOLVED:

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

- A Section 106 Legal Agreement to secure the developer contributions and provisions as outlined in paragraph 6.9 of the report; and
- The conditions as set out in Appendix 1 to the report.

22 The Fox Inn, Ryton, Shrewsbury, Shropshire, SY5 7LS (14/00701/FUL)

The Area Planning and Building Control Manager introduced the application and confirmed Members had undertaken a site visit that morning and had viewed the site

and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, revised site layout and elevations. He explained that a request for deferment had been received from local residents in order that they could obtain professional advice regarding the recent comments made by Shropshire Council's Flood and Water Manager. In response to this request, he explained that Shropshire Council Drainage Officers had deemed the drainage to be acceptable and a satisfactory solution had been provided by the applicant.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed additional conditions as suggested by the Shropshire Council's Flood and Water Manager.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, and his declaration of interest as set out in Minute No. 19, Councillor Tim Barker, the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This was a complex and controversial application and would be contrary to SAMDev.

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

- The development could cause flooding and put additional pressure on existing drainage system;
- In heavy rain her property became saturated;
- An unsatisfactory drainage report had been submitted by the applicant; and
- There was a duty to ensure flood risk was not displaced elsewhere.

Cllr Ms S Mackay, 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 proposal would be contrary to SAMDev and Ryton had countryside status;
- It would be necessary to travel by car to access all services – so proposal would not be sustainable;
- She expressed concerns with regard to the disposal of both foul and sewage water. An unsatisfactory drainage plan had been submitted;
- Water had suddenly started flowing in a ditch that remained dry most of the year;
- There was no agreement in place to utilise parking at the local village hall during events and functions held at the public house;
- Roadside parking would not be an option in Ryton; and
- If planning permission granted the public house would close.

Mr J Owen, 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:

- There was a need for small affordable and open market houses not only in Ryton but countrywide;
- The proposal would be sustainable and would address the housing imbalance in village;
- It would not affect the viability of the public house;
- The provision of parking would be more than adequate;
- There was an agreement in place for any overspill parking that would be required during events and functions;
- He had submitted a comprehensive drainage scheme, which had been approved by Drainage Officers; and
- Watercourses had been filled in by local people.

In response to questions and comments from both speakers and Members, the Senior Drainage Engineer provided clarification on drainage and disposal of both surface water and foul water. The Area Planning and Building Control Manager drew Members' attention to paragraphs 6.6.5 and 6.6.6 of the report which indicated that the parking arrangements would be adequate and the proposal would ensure the protection and retention of an existing community facility.

In the ensuing debate, Members considered the submitted plans and noted the comments and concerns of all the speakers and expressed their own concerns with regard to the drainage. Members acknowledged the need for affordable housing in rural areas but questioned the sustainability of the proposal and held differing views with regard to the design and the appropriateness of the development.

RESOLVED:

That this application be deferred in order that further details can be provided detailing how the drainage and disposal of both surface water and foul water drainage will work and be managed to a satisfactory standard.

23 Development Land South Of Brook Cottages, Ford, Shrewsbury, Shropshire (14/01036/OUT)

The Principal Planner introduced the application and explained that the recommendation should refer to both an off-site and on-site affordable housing provision/contribution and the conditions were as set out in Appendix 1 (and not Appendix 2). He confirmed Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location and proposed access arrangements.

Members noted the additional representations as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed amendments to

the report and further comments and a commitment from the agent to develop the site at the earliest opportunity.

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

- The revised access plan did not demonstrate any improvements for pedestrians;
- The proposal would encourage speeding;
- There would be no improvement to traffic flows and an additional 30+ cars would be dangerous;
- The road was narrow and well used by agricultural vehicles;
- The lane floods and had been closed seven times during the winter;
- The access onto a busy trunk road would be dangerous;
- Butt Lane joins the A458 close to the school and the parking at the start and end of the school day causes chaos; and
- Although the school was not full it was at capacity with just enough space for children to exercise.

Cllr R Blyth, representing Ford 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:

- Following extensive consultation the Parish Council had chosen to be designated as open countryside and this had been accepted and included in the final draft of the emerging SAMDev plan, and in accordance with the NPPF consideration should be given to emerging plans;
- The proposal would be built on agricultural land;
- An extra 30 houses and associated service vehicles would impact negatively on the road network; and
- It would be necessary to travel to access employment, schools and other services; and
- In reality, people would not use the junction at the Cross Gates Public House, but opt to use Back Lane.

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

- Water attenuation scheme would provide a betterment; and
- This would be a sustainable site and an element of growth should be supported.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Roger Evans, as local Member, participated in the discussion and spoke against the proposal but did not vote. During which he raised the following points:

- Brook Cottage and sections of the road were prone to flooding and at times sections of the road were rendered impassable;
- Back Lane formed part of a bridleway and so was used by horse riders and the narrow lane was often used by walkers and children and additional traffic would make this dangerous;
- No footpath existed from the development along the narrow road other than that section to be built as part of this development. Access to the village would be over fields and across Parish Council land and no discussions had taken place with the Parish Council regarding the proposed pedestrian link to The Leasowes;
- The Parish Council had not commented on the amended proposal;
- A Housing Needs Survey had not identified a need for further housing in Ford. There were already a number of plots with planning permission attached that remained unsold and there were a number of houses that remained for sale;
- The bus service into Shrewsbury was very poor and cars would be the main form of transport;
- Increasing the width of Back Lane would encourage speeding and would make it dangerous for walkers and riders; and
- The development would not be sustainable.

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

RESOLVED:

That consideration of this item be deferred, with Members minded to refuse the application in view of its lack of connectivity with the village for both pedestrians and motor vehicles. In conjunction with the Area Planning Manager, the applicant to explore the ownership and provision of the proposed footway across The Leasowes playing field and also any other possible links that would provide a direct and convenient connection to the village centre.

24 Development Land North Side Of Station Road, Dorrington, Shrewsbury, Shropshire (14/01037/OUT)

In accordance with his declaration at Minute No. 19, Councillor David Roberts left the meeting during consideration of this item.

At this juncture, Councillor Peter Nutting left the meeting and did not return.

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location and indicative site plan.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, and his declaration at Minute No. 19, Councillor Tim Barker, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement, the following points were raised:

- There were currently 180 houses in the village of Dorrington. If granted this proposal, along with those granted permission (contrary to SAMDev) and those envisaged on the identified site through SAMDev would equate to a 50% increase in housing stock. This would be socially unsustainable; and
- He expressed concerns regarding access.

Councillor Ms S Mackay, 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 Parish Council and villagers were against this application;
- There was no public footway to village amenities;
- Station Road was very narrow and there was no adequate line of site when accessing on to the A49;
- 38 further dwellings had also been approved contrary to local wishes;
- This was a greenfield site and used for arable farming and cropped annually;
- If approved a further application would be forthcoming;
- It would increase the size of the village to an unacceptable level; and
- Access to school, shops etc would have to be undertaken by car so would not be sustainable.

Ms C Denham, 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:

- Officers were recommending approval;
- No objections had been received from Shropshire Council's Highways Development Control Officers or Highways Agency;
- There was a public footpath providing a connection with the village;
- No environmental or drainage issues had been raised. A Flood Risk Assessment had not been required;
- Would address housing shortage; and
- The NPPF states that where there is a lack of a five year land supplies local policies relating to housing should be considered as being out-of-date.

In the ensuing debate, Members noted that Dorrington had been the subject of more applications than other areas; suitable sites had been ignored; this site formed part of a larger site and they were concerned that other applications would follow; HGVs used the lane constantly; the A49 was a dangerous road; all critical local services were situated on the opposite side of the A49; and local services would be outgrown and people would travel to Shrewsbury which would lead to a loss of services in Dorrington. Some Members commented that growth should happen in a controlled

manner and the proposal would not be sustainable and would be contrary to the NPPF.

RESOLVED:

That:

- Consideration of this item be deferred to the next meeting, with Members minded to refuse the application on the basis that the proposal would not constitute a controlled manner of development within the settlement, and the social and economic damage to the village of such a dramatic and sudden increase in housing stock leading to a significant adverse impact on services and infrastructure contrary to the requirements of Paragraph 7 of the National Planning Policy Framework and Policies CS6 and CS8 of the Shropshire Core Strategy; and
- The Area Planning Manager to prepare an advisory report on the reasons for refusal.

25 Top Farm, Kinton, Shrewsbury, Shropshire, SY4 1AZ (14/01840/FUL)

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

RESOLVED:

That planning permission be granted as per the Officer’s recommendation.

26 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 26 June 2014 be noted.

27 Date of the Next Meeting

RESOLVED:

It was noted that the next meeting of the Central Planning Committee would be held at 2.00 pm on Tuesday, 24 July 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and date
 Central Planning Committee
 21 August 2014

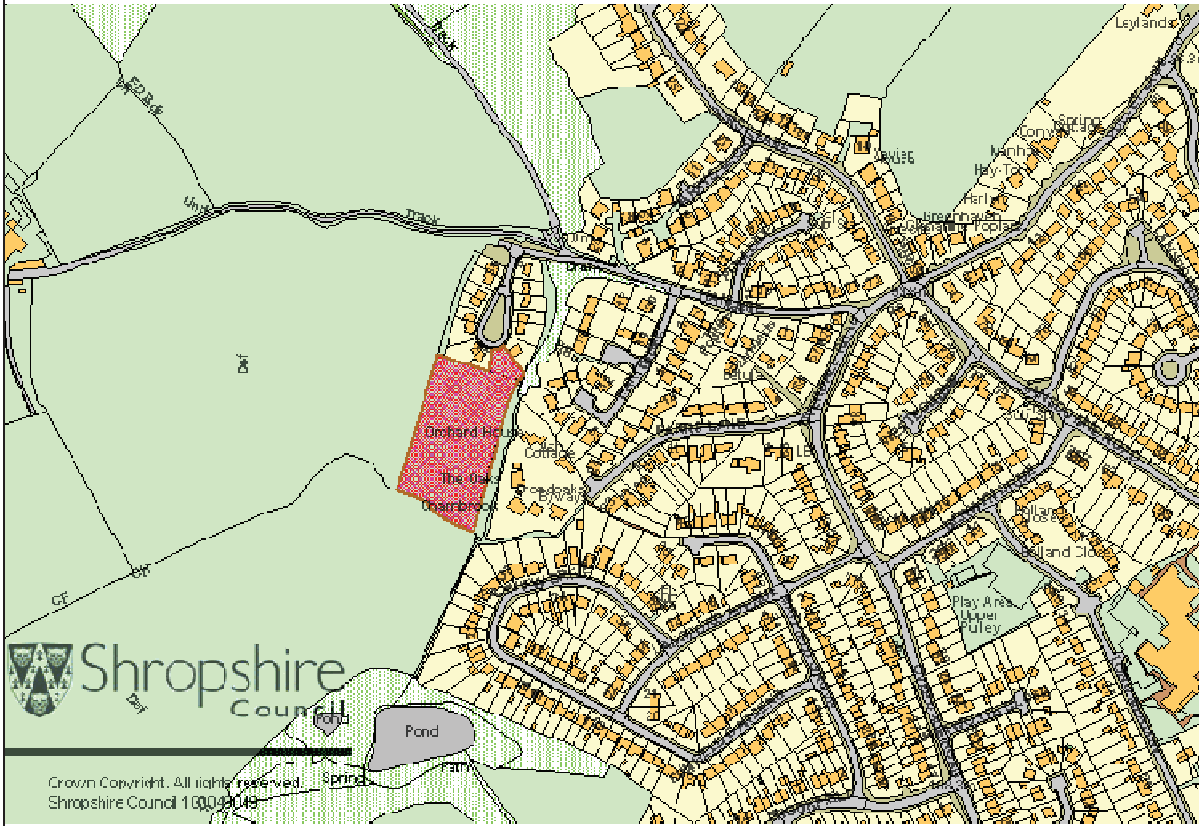
Development Management Report

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

Summary of Application

Application Number: 14/00823/OUT	Parish:	Bayston Hill
Proposal: Outline application (access for approval) for the erection of 15 dwellings		
Site Address: Land To The Rear Of 21 Hanley Lane Bayston Hill Shrewsbury Shropshire		
Applicant: Mr E Davies		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347170 - 309138



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Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure on-site affordable housing and a commuted sum towards off-site affordable housing and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for development of the site for residential use for up to 15 dwellings. Details of access are included within this application with all other matters (appearance, landscaping, layout and scale) reserved for consideration at a later date. Indicative plans have been submitted to illustrate how the 15 dwellings could be accommodated within the site.
- 1.2 The site access is shown to be taken from the existing cul-de-sac located off the end of Hanley Lane, via an existing open grassed area situated between No's 19 & 21 Hanley Lane. The roadway to this cul-de-sac is laid out in a roughly oval route with a central island that is laid to grass. The proposed access to the site has been discussed with Highways Officers since this application was submitted and a revised access plan has been submitted for consideration. The revised plans show alterations to the existing roadway to the cul-de-sac, widening one section of the roadway to a width of 5 metres by incorporating part of the green/grassed space.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of part of an agricultural field (classified grade 3 agricultural land) set to the west of existing housing within the village of Bayston Hill and to the south of the existing cul-de-sac at the end of Hanley Lane. A watercourse with mature trees and planting runs along the eastern site boundary. To the west and south of the site lie open fields.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

- Consultee Comments

SC Ecology – No objections

Environmental network

The brook to the east of the site and a strip either side are recognised as Environmental Network under Policy CS17 of the Core Strategy. Greenscape Environmental (2014) notes that the hedge to the east has a high number of species and should not be affected by the proposal.

Greenscape Environmental (2014) recommends that a buffer zone is left to the brook to aid wildlife movement. The submitted indicative layout plans show the application site does not border the watercourse and also shows new hedge planting along all the site boundaries. These measures will ensure that the network function of the brook will not be harmed by the proposed development. The new planting should be secured by a landscaping condition.

Great crested newts

Greenscape Environmental (2014) report that there are two ponds around 150 metres to the south of the application, within woodland. These scored Habitat Suitability Index scores of:
Pond 1 HSI 0.65 Average potential to support great crested newts (GCN)
Pond 2 HSI 0.73 Good potential to support GCN

The Great Crested Newt survey should be carried out by an experienced, licensed ecologist in line with the Great Crested Newt Mitigation Guidelines by Natural England (2001) and should be submitted with any necessary mitigation scheme and method statement to the Local Planning Authority in support of the planning application.

Greenscape Environmental (May 2014) carried out four presence/absence surveys on 2 ponds in April 2014. These recorded no great crested newts. As a result Greenscape Environmental (2014) do not recommend any need for mitigation and no conditions are recommended.

The new hedge planting along all the site boundaries should be secured by a landscaping condition.

Bats

Greenscape Environmental (2014) consider there is no potential bat roosting habitat on site, however the site boundaries, particularly to the east, are likely to be used for bat foraging and commuting. The following condition is recommended to control lighting to avoid impact on bat behaviour:

Condition

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.

Water vole

Greenscape Environmental (2014) found that the brook immediately to the east of the site was overgrown and shaded and considered unsuitable for use by water vole or otter. The submitted plans indicate that the brook will not be directly impacted by the development.

Nesting birds
The following informative should be attached to ensure nesting birds are not affected by any hedgerow removal necessary:

Informative

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

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

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

SC Drainage – No objections

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

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

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

As stated in the Highways and Drainage Report, 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 soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

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

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

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

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

4. Informative: The applicant should consider employing measures such as the following:

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

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

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

SC Trees – comments made prior to submission of requested Tree Report, additional comments to be relayed to Members via Additional Representations.

There is an area of woodland, protected by a Tree Preservation Order on the boundary of this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term.

To properly assess these impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment an Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be provided with the application. It is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed. As this is an outline application the information should demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees.

If this information is not forthcoming it must be considered that the proposed development will have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.

SC Affordable Houses – No objections

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

Shropshire Wildlife Trust – Objection

No ecological report has 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.

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.

SC Highways – No objection

Conditions

Technical Approval

Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycle ways, 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.

On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities

measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works

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

Informatives

We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Key Issues

The local highway authority raised early concern regarding the suitability of the recently constructed estate road off Hanley Lane to provide access to the proposed development; this was constructed as a tear-drop shaped narrow access road with a central grass verge roundabout area. Due to its relatively narrow width and observed on-street parking at the development, our concern was regarding the possibility of parked vehicles obstructing access to the development, particularly by delivery, refuse and emergency vehicles. A scheme has therefore been agreed in principle to widen the eastern road to provide a suitable access to the development and as the roads are now adopted highway an agreement will be required under s278 of the Highways Act 1980. Hanley Lane was upgraded from an unmade public vehicular highway along its western length to provide access to the Bromford development and these works have recently been adopted by the local highway authority. We are of the opinion that Hanley lane coupled with the proposed works mentioned above will provide a satisfactory access to the development hereby proposed. We have requested a condition for a construction method statement due to the potential for disruption to the local residents during the construction of the development.

- Public Comments

Bayston Hill Parish Council - Objection

Following consideration of all documentation associated with the above application at a Parish Council Planning Committee meeting held on Monday 3 March 2014, Bayston Hill Parish Council would like to register an OBJECTION to the proposed development.

The proposal from Mr E Davies to erect fifteen new dwellings and to create a means of vehicular access on land to the rear of Hanley Lane, Bayston Hill is objected to for the following reasons:

BAYSTON HILL DEVELOPMENT BOUNDARY

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

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

HOUSING MIX

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

Whilst the Parish Council is aware that a development of 14 affordable dwellings was built in Hanley Lane in 2010, this was an exception site and provided the type of properties that Bayston Hill requires.

HOUSING DESIGN

The Design and Access Statement has stated that the proposed dwellings would 'reflect the character of surrounding buildings, using similar designs and palette of materials' however this application is purely in outline form at the present time and without more detailed drawings this cannot be guaranteed.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The Design and Access Statement has chosen to use the NPPF to frame it's argument for developing this site under the Economic, Social and Environmental headings.

Under the Economic heading they have quoted paragraph 17 of the NPPF which refers to identifying the housing need which, as mentioned above, this proposed development does not meet. It is also quite interesting to note that this document is obviously a cut and paste of a similar document (top of page 6 where Longden is mentioned) suggesting multiple applications by the developer rushed into the planning department during a period of opportunity whilst the SAMDEV is finalised. Something further supported by it being only an outline proposal.

Under the Social heading 'high quality design' and 'allocating sufficient land which is suitable for development' have both been quoted from paragraph 17 of the NPPF. As this is an outline proposal we have no designs to look at to confirm whether the design will be of a high quality. With reference to allocating the land, the Bayston Hill Parish Plan and the SAMDEV both clearly uphold the development boundary of which this proposal is outside of. Yet again within this section of the statement Longden is mentioned, specifically where data is being provided. It cannot be assumed that this data is relevant to Bayston Hill and as such cannot be considered valid when considering this proposal.

Under the Environmental heading the statement mentions the design being sensitively done, as previously mentioned there are no detailed drawings of the house designs so this cannot be verified. Yet again Longden is mentioned within this section.

The Parish Council is fully aware the location of this proposed development makes it an attractive option in view of sustainability and it cannot be denied that it would be fully supported by the village infrastructure. However with the number of new houses due to be built within the village, 33 new affordable dwellings on Pulley Lane and potentially double that on the central village site due to be developed, there could potentially be in excess of 100 extra children to be schooled before the additional 15 properties this application proposes. Whilst there are spaces at the Oakmeadow School it is very unlikely that an increase of this number of children would be able to be accommodated.

CONCLUSION

To conclude, Bayston Hill Parish Council is registering an OBJECTION to planning application 14/00823/OUT because it is situated outside of the recognised

Development Boundary, there is no requirement for this type of housing within Bayston Hill and with it only being an outline application it is impossible to guarantee it will meet the social and environmental needs of Bayston Hill. The credibility of the application is also brought into question with the number of references to Longden within the Design and Access Statement. It is therefore requested that this planning application be refused by the Planning Department.

Twenty three objections from 18 addresses including one from the locally elected member as local resident have been received. Comments are available in full on the file but have been summarised as follows: -

- ☐ Loss of green field land used as recreation by locals;
- ☐ Proposed development is on an elevated site and will over look existing properties;
- ☐ The proposed development is outside the village development boundary;
- ☐ Access to the proposed development is on a busy, narrow lane with limited visibility; the safety of the junction of Hanley Lane and Overdale Road will also be detrimentally altered; concern for access for emergency vehicles and waste disposal services;
- ☐ Concerns the development may extend at a later date;
- ☐ Concerns the already overloaded pumping station will not be able to cope with additional houses;
- ☐ Increase in the number of vehicles on an already busy lane;
- ☐ The landscaping of the proposed site is inadequate;
- ☐ Loss of views for neighbours;
- ☐ Potential overlooking from new properties to existing houses;
- ☐ Overdevelopment of a greenfield site;
- ☐ Development will remove a communal play area for children and replace it with a road; area not designed to accommodate traffic generated by the proposed development;
- ☐ Concern that development will set a precedent for further expansion and reduce a clear definition between Shrewsbury and Bayston Hill; Bayston Hill Parish Plan prioritises the retention of the established development boundary; green buffer is important;
- ☐ Shrewsbury and Atcham Local Plan recognised an importance in protecting the land between Shrewsbury and Bayston Hill;
- ☐ No local demand for this type of housing, village needs affordable housing and not general open market housing; not in the interests of the community;
- ☐ Surface water drainage from the site should not drain into the adjacent watercourse.
- ☐ Building works would have impacts on neighbours through noise and disturbance.
- ☐ Great Crested Newts may be present in the area.

5.0 THE MAIN ISSUES

Principle of development
Access & Highway Safety
Design/Visual Impact
Residential Amenity

Loss of agricultural land
Ecology/Trees

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 Council's 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.

Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

6.1.3 The site is outside of the Bayston Hill Development Boundary as defined by Saved SABC Local Plan Policy HS3. Shropshire Council has an adopted Core Strategy and CS4 which 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.

6.1.4 Bayston Hill has been included as a 'Community Hub' and the Pre-Submission Draft includes a development boundary. This site is just outside the development boundary for Bayston Hill 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 the village and the protection of the remaining green areas located between Bayston Hill and Meole Brace, Shrewsbury. However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.

The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Bayston Hill.

6.1.5 Bayston Hill is a large village that is located to either side of the A49 that runs in a north-southerly direction, with the larger part of the village located to the west of the A49. There are a range of services and facilities within the village, including a primary school, a precinct of local shops and takeaways, post office, playing fields and a public house and the village is serviced by a regular bus service from Shrewsbury. The site is located at the western end of the village and it is considered that these services are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

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

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

- 6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of fifteen additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.8 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. As part of the SAMDev consultation process Bayston Hill Parish Council has put the village forward as a Community Hub, with a development boundary drawn around the village and with a housing guideline of around 50-60 additional dwellings to be provided by infilling, groups of houses and conversions of buildings on suitable sites within the boundary over the period up to 2026. No proposed sites are to be allocated. It is considered that the additional 15 dwellings now proposed would not provide any significant additional pressure on services over what is envisaged for Bayston Hill that would render them unable to sustain services for residents.
- 6.1.9 Environmental role – The site has no heritage, cultural or ecological designation. Whilst it is currently utilised as open agricultural it has little ecological value. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury.
- 6.2 Access & Highway Safety
- 6.2.1 Objections made to the application in relation to highway safety refer specifically to concerns regarding the suitability of Hanley Lane and the local road network for the additional traffic that would result from the erection of 15 additional dwellings.
- 6.2.2 The local highway authority initially raised concerns regarding the suitability of the recently constructed estate road off Hanley Lane to provide access to the now proposed development. Highways officers considered that the existing oval/tear-drop shaped access road with a central grass verge did not allow suitable access for any additional houses due to its relatively narrow width that would potentially limit accessibility for delivery, refuse and emergency vehicles. Following negotiations with officers a scheme has submitted to widen the eastern half of the oval to provide a suitable access to the development. Highways officers have requested a condition to be added to any permission granted for a construction method statement in order to minimise any potential disruption to the local

residents during the construction of the development and a second condition that requires submission of full engineering details of the works proposed.

6.2.3 The Highway Officer has raised no objections to the proposed increase in vehicles utilising the existing road network.

6.3 Design/Visual Impact

6.3.1 The site is situated to the west of the village and to the south of a recent affordable housing development situated at the end of Hanley Lane. The site is separated visually to some extent from the other nearby housing that lies within the development boundary due to the trees and planting that abut the watercourse that lies between them. However, the recently built dwellings on Hanley Lane have already introduced in visual terms an element of built development into the corner of what is part of a larger/wider agricultural landscape. The submitted plans show the western boundary of the application site following the line of the existing houses, with the east and southern edges of the site extending up to existing hedgerows and tree boundaries.

6.3.2 Although the proposal would extend out into an agricultural field, due to the topography of the site, with the land gently rising in a westerly direction towards a natural ridge in the landscape, the new dwellings would not be seen in any long distance views from the west. Any views taken from the south from public footpaths will view the new dwellings in context with the recent built dwellings. Any views taken from the public footpath that extends off the end of Hanley Lane will see the existing housing foremost, with the proposed dwellings appearing as an extension of them. It is considered that the proposed development of this site for housing would not have any significant detrimental impact on the surrounding landscape enough to justify the refusal of planning permission contrary to the recommendations of the NPPF and its requirements for a presumption of approval for sustainable developments.

6.4 Residential Amenity

6.4.1 Local residents have raised concerns relating to:

- ☐ the potential for significant additional noise and disturbance created by the new residents vehicles and any visiting/delivery traffic passing existing dwellings;
- ☐ potential for overlooking/loss of privacy between existing and proposed dwellings; and
- ☐ Amendments to the access to the site resulting in a loss of a communal area for children to play.

6.4.2 The construction of up to 15 new dwellings would increase vehicle movements along Hanley Lane and through the recently built housing estate. Although the existing cul-de-sac currently enjoys the benefit of not having any through traffic, it is considered that the levels of traffic would not result in any significant noise and disturbance that would justify any refusal of planning permission. The existing dwellings at the end of Hanley Lane all have their own private amenity space and are built to modern standards in respect of noise insulation.

- 6.4.3 The indicative site layout plan shows 5 dwellings set at the northern end of the site, 4 of which would have rear boundaries backing onto those of no's 21 & 23 Hanley Lane and one that would be set with its garden extending up to the side boundary of No.19. Whilst the layout is not a matter that is to be considered under this outline planning application the illustrative layout does show that 15 dwellings could be accommodated within the site and any potential for significant loss of privacy could be addressed as part of any future reserved matters application.
- 6.4.4 The creation of an access into the site would utilise a current grassed area that has been left between No's 19 & 21 Hanley Lane and would reduce the width of the central grassed area by 800mm. Whilst this will result in reduction in open grassed space, the central area would still exist and provide opportunities for use by residents and each dwelling at the end of Hanley Lane do all have their own private amenity space/gardens.
- 6.5 Loss of agricultural land
- 6.5.1 The site lies on a Grade 3 (good to moderate quality – Scale 1-5) agricultural land. The NPPF states at paragraph 112 that “Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.
- 6.6 Ecology/Trees
- 6.6.1 The Council's ecologist has confirmed that they have no objections to the submitted application. An ecological report was submitted in support of the application that identified two ponds on which four presence/absence surveys were carried out and these recorded no great crested newts. The Council's Ecologist has recommended conditions relating to landscaping and any external lighting in order to minimise impacts on local wildlife.
- 6.6.2 Following consultation with this Council's Tree Officer an Arboricultural Report has been submitted in support of the application. The report identifies all existing trees situated adjacent to the site boundaries and any required root protection zones required if any development takes place. The further comments of the Tree Officer are awaited.
- 7.0 CONCLUSION**
- 7.1 It is appreciated that approving this development would be contrary to the Parish Council's wishes for the village of Bayston Hill and would go against the ideals of 'localism'. However a priority of the NPPF is to boost housing supply and to approve sustainable development in appropriate locations provided there are no adverse impacts of doing so. It is considered that the site is of a sufficient size to accommodate the proposed number of dwellings and would not result in an unacceptable form of development adjacent to the village. The proposal would

have no adverse environmental or ecological implications and would not impact on highway safety. The detailed, appearance, landscaping, and scale designs will be considered at the reserved matters stage.

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Bayston Hill is a sustainable location for a limited number of new houses (over and above the view put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be

balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS5, CS6, CS9, CS11, CS17

RELEVANT PLANNING HISTORY:

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning File 14/00823/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member(s) Cllr Jon Tandy Cllr Ted Clarke Cllr Jane Mackenzie
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

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

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

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

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

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Committee and date

Central Planning Committee

21 August 2014

Development Management Report

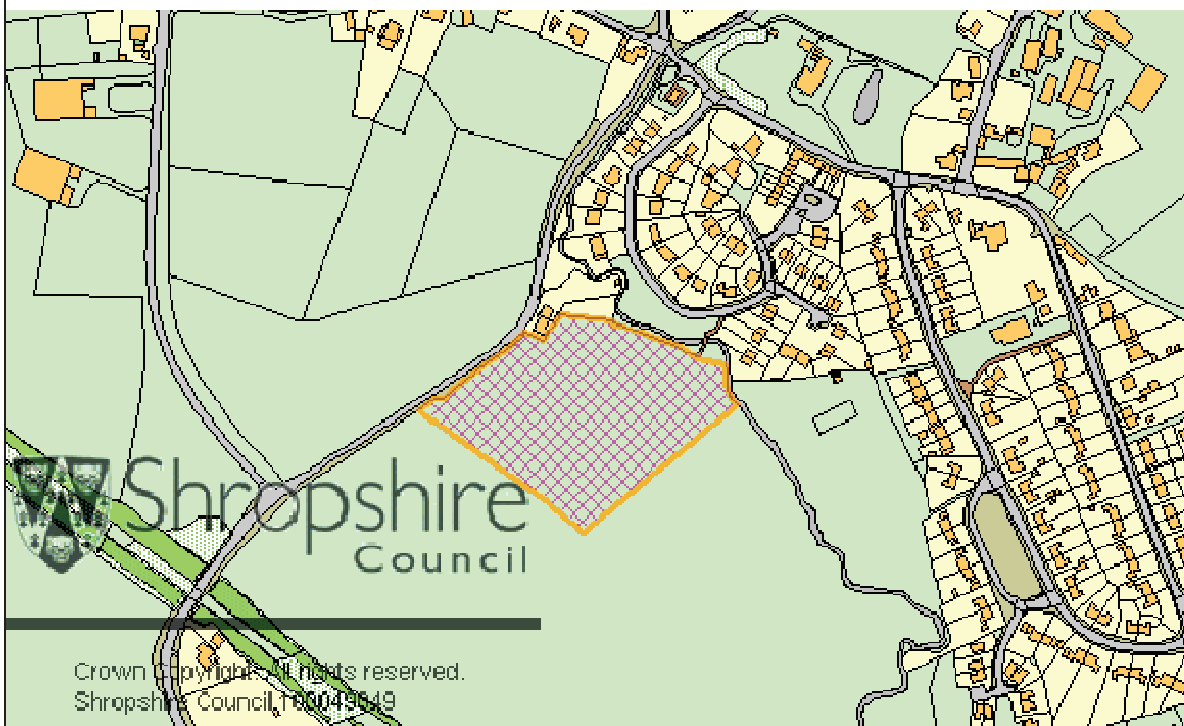
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/01036/OUT	Parish:	Ford
Proposal: Outline application for residential development (upto 30 dwellings) to include access.		
Site Address: Development Land South Of Brook Cottages Ford Shrewsbury Shropshire		
Applicant: Oak Street Properties Ltd		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 341182 - 313546



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

ADDENDUM

This application was deferred by Central Planning Committee at their meeting on 26th June 2014. Committee's resolution was to defer consideration of the application with members minded to refuse the application in view of its lack of connectivity with the village for both pedestrians and motor vehicles. In conjunction with the Area Planning Manager, the applicant was advised to explore the ownership and provision of the proposed footway across The Leasowes playing field and also any other possible links that would provide a direct and convenient connection to the village centre.

In response to the above deferral reasons the agent has investigated the possibility of provision of the proposed footway across The Leasowes playing field and they have obtained copies of the lease between the former SABC and Ford Parish Council. The lease to Ford Parish Council was granted for 125 years from 1st October 2008. The lease (in clause 2.8.2.2) also provides the tenant for the right to quiet enjoyment of the land without interruption from the landlord. This means that Ford Parish Council would have to grant their consent for the developer to place a footpath over the land.

The applicant's agent has also approached the Ford Parish Council in light of this with a request for the provision of the footpath to be considered. Ford Parish Council has considered this request but has declined to grant any permission at this time. In their response Ford Parish Council have provided details of their concerns relating to such a proposal, as summarised:

- The height of any bridge constructed would need to be substantial to give adequate clearance of a 100 year storm event and would likely be unsightly if designed to permit access by pushchairs and wheelchair users;
- The access road into the playing field is actually a vehicular access road used by maintenance vehicles for the playing field and the residents of the 5 houses on The Leasowes who park at the rear of their properties; this access road is narrow, of only a single vehicle width with no refuge for pedestrians representing a safety risk;
- Heavy pedestrian use of the access road would add to the Parish Council's on going public liability insurance costs;
- The recreation ground is unlit at night and there is presently no need or desire to light it as the use of the area takes place during daylight hours, there is a safety issue if more people and children access the area to walk in the dark across it;
- Potential for increased opportunities for vandalism which would add to direct costs for the Parish Council;
- Any pressure to light the proposed footpath would have a visual and environmental impact on local residents and wildlife.

Further to the Parish Council's response the agent has submitted plans confirming walking distances and times from 19 Manor Crest (located close to the bridge over the brook) following the public footpaths alongside the highway to the following village locations:

The Leasowes Recreation Ground – 0.3 miles – 6 minutes walk
 Village Hall – 0.3 miles – 6 minute walk
 School – 0.5 miles – 9 minute walk
 Bus Stop – 0.6 miles – 12 minute walk
 Petrol Filling Station/Shop – 0.7 miles – 14 minute walk

The agent has also provided additional plans that show walking distances and times from 19 Manor Crest utilising a footpath that runs between properties on Compton Mews, at the end of Manor Crest:

The Leasowes Recreation Ground - 0.17 miles - 3 minute walk
 Village Hall – 0.17miles – 3 minute walk
 School – 0.37 miles – 7 minute walk
 Petrol Filling Station & Shop – 0.67 miles – 12 minute walk
 Bus Stop – 0.57 miles – 10 minute walk
 Four Crosses Public House and Bus Stop 2 – 0.3 mile – 6 minute walk

The agent has also provided the following observations and points relating to the proposed route over the recreation ground, summarised below:

Clearly to promote the use of this access (as requested by Committee) would have a serious pedestrian / highway safety issue and the request for the planning permission to provide for this is unreasonable and un-sustainable. Even if consent was gained from Ford Parish Council to construct the bridge partially on their land (which clearly is not likely) it would only serve the Recreation Ground as the users would be at risk leaving the Recreation Ground to access the village. Having considered this and having due regard to the SPG and sustainable walking distances, the shortest travel distance from 19 Manor Crest to the Recreation Ground is approx 220metres, with an alternative route of 482metres, just 2 metres in excess of the guidance. As the shortest route is well within the SPG, the site is sustainable in respect of this.

The report submitted to the earlier Committee confirmed the sustainability as reported by the Highways consultees in relation connectivity and linkage. The agents consider that such a reason for refusal as requested by committee, taking into account the above Highway safety issue, would be unsustainable at appeal and that the council would be at risk of a costs award.

Officers note that the provision of any footpath across The Leasowes cannot be achieved without the agreement of Ford Parish Council, who have clearly stated with several reasons why they cannot agree to this proposal. In terms of the existing footpath link to the village, (other than any route that would involve walking along Back Lane/Butt Lane) the agent has confirmed walking distances and times for two potential routes after crossing the existing footbridge over the brook, that shows that the site is located within reasonable reach of services such as the

school and recreation ground. The shortest route utilises a footpath that runs through the centre of the terrace of buildings that form Compton Mews and it is noted that this route is not lit along its entirety. The longer routes follow the roadway along Manor Crest that is lit and adds only approximately 2 minutes to the journey times. It is considered that it has been demonstrated that the existing pedestrian links to the village are adequate.

The proposed works to widen part of Back Lane will enable and encourage vehicle users from the application site to access the main road network by turning west out of the site toward the A458 rather than navigate through the village centre.

Meanwhile in respect of policy, following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.

The key factor in determining this proposal continues to be an assessment of whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Ford.

Appendix 1

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with matters of access to be considered, with all other matters reserved (layout, scale, appearance and landscaping) for later consideration. An indicative site plan shows provision of a green buffer along the eastern site boundary adjacent to the brook and a possible new pedestrian link running north/south along this green buffer.
- 1.2 The proposed access to the site has been discussed with Highways Officers since this application was submitted and a revised access plan has been submitted for consideration. The revised plans show the provision of the site access onto Back Lane, with visibility splays and also the widening of the existing narrow section of Back Lane to at least 5.1 metres by realigning the field boundary.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site consists of part of an agricultural (arable) field situated to the south of Back Lane and to the west of the village of Ford. To the west and south of the site lie more fields with the A458 running to the south of these fields. A public footpath crosses the eastern corner of the site, the footpath running in a north/south direction linking the A458 to the village (Manor Crest). The brook that runs to the north west of the site is well screened by existing vegetation and trees.
- 2.2 The closest residential properties are located immediately to the north of the site, Brook Cottages, who front the lane. Other residential properties are located further from the site on the other side of the Brook, to the north east along Manor Crest.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

- Consultee Comments

SC Conservation (Historic Environment) – No objection

Background to Recommendation:

The subject lands lie just outside of but immediately south and west of the westerly boundary of the Ford Conservation Area. There are no listed buildings within the subject area and an overview of the relevant circa 1900 archival Ordnance Survey mapping suggests that there may be no heritage assets within the subject area, but

this should be confirmed by the agent. Brook Cottage immediately north of the subject lands are not statutorily listed however the building appears on the archival mapping layer so is at least a pre-1900 dwelling.

Principles of Scheme:

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

As these lands are sited at an important position adjacent to the Conservation Area immediately outside of the historic settlement of Ford, any development here will need to be sensitively designed in terms of access, building layout, scale of development, elevational detail and materials. A very high quality of design will be expected here and the materials and landscaping need to both reflect and enhance the adjacent Conservation Area, the settlement as a whole and any heritage assets nearby. External materials will need to harmonise well with the built form in the area, and it will need to be demonstrated that the proposal will not have a significant detrimental impact on the adjacent Conservation Area.

RECOMMENDATION:

In terms of historic environment matters, the submission of full design details including external materials and means of enclosure/boundary fencing should be required and conditioned. I would raise initial concerns over the proposed development layout for house 2 in particular.

SC Archaeology (Historic Environment) – No objection

Background to Recommendation:

Initial SC Archaeology comments on this application on 2 April 2014 I indicated the proximity of the proposed development site to two archaeological cropmark sites: a ring ditch (HER PRN 03718) and single ditched rectilinear enclosure (HER PRN 03719). On this basis it was advised that the results of an archaeological field evaluation should be submitted prior to determination of the application. Information has now been provided by the applicant to satisfy this requirement in the form of a Geophysical Survey Report by Stratascan and an Archaeological Statement by Castlering Archaeology.

RECOMMENDATION:

Despite the proximity of the crop mark features recorded on the Historic Environment Record, the geophysical survey has not identified any anomalies of archaeological origin on the proposed development site. It is understood that the character of superficial geology in this area has previously proved responsive to the particular survey technic used and therefore conclude that the archaeological interest of the site it likely to be lower than previously expected. In this respect, the additional information which has now been submitted meets the requirements of Paragraph 128 of the National Planning Policy Framework (NPPF).

Given that the archaeological potential of the site appears to be lower than previously anticipated, confirm agreement to the request set out in Castlering Archaeology's Archaeological Statement that further archaeological evaluation, and any appropriate mitigation thereafter, be secured as a condition of any planning consent. In line with Paragraph 141 of the NPPF, therefore recommend that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial field evaluation followed by further mitigation as necessary. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The site is known to hold archaeological interest.

SC Highways DC – No objection

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

Technical Approval

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

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

Site Access Works

The widening and improvement works required on the road known locally as 'Back Lane' are to be completed prior to the first occupation at the development.

Reason: To ensure a suitable means of access is established for the development and in the interests of road safety.

Informatives

We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. An agreement under s278 of the act will be required for the proposed site access works on the existing public highway. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Key Issues

The proposed access layout first provided with the application was not supported by the local highway authority, as the section of the road known locally as 'Back Lane' proposed to be used for vehicular access to the site was deemed to be unsuitable for the scale of development proposed.

Through negotiation with the applicant's agent a design has now been provided which is acceptable in principle to the local highway authority, as this addresses our previous concerns.

A new footway connection is proposed across The Leasowes playing field which is supported by the local highway authority as this would provide a direct and convenient connection to the village centre. However this work is proposed over land leased to the parish council and we understand they are yet to agree to this.

Background

Concern was raised with the applicant regarding the suitability of a section of Back Lane of to provide an adequate access to the proposed development to the strategic road network; our concern was primarily regarding the narrow section of the lane to the north east of the junction with the private road leading to the poultry units. Following this a site meeting was held with the applicant's agent in order to discuss possible local highway improvement works in order to address the issues raised.

A revised access design has since been provided by the applicant that proposes to widen Back Lane to at least 5.1m throughout the existing narrow section running along the field boundary, which is sufficient for a car and a large vehicle to pass each other. We have requested that a verge also be provided and that drainage enhancements will be required along this section in order to secure vehicular access to the site from the A458 at the Cross Gates junction. We don't consider that any works are required on the remaining length of Back Lane as this appears to have been widened and improved in the past, possibly to accommodate the existing poultry and industrial units. Whilst the old railway bridge does restrict forward visibility and the carriageway narrows to a single lane, this does act as a control feature to help restrict vehicle speeds on the lane.

We understand that the Highways Agency has provided a response over the suitability of the Cross Gates junction and no objection has been made. Visibility from this junction is generally good so it should provide a suitable means of access to the strategic road network from the development.

No improvement works are considered necessary on the section of Back Lane up to But Lane, as any enhancements may lead to increased use where the more appropriate and convenient route for traffic accessing the site is via Back Lane and the Cross Gates junction. However, some people will inevitably travel along this route but any increases as a result of the development are likely to be minor.

The design of the proposed access works is subject to technical approval and hence a condition is requested for this, however the design is now acceptable in principle to the local highway authority.

Pedestrian links are proposed to be provided from the development to Manor Crest and also to The Leasowes recreation ground. We understand that Ford Parish Council who hold the lease for the recreation ground are yet to be directly consulted over the latter route, however we are of the opinion that establishing this link will be critical to the success of the development and to the integration with the local community and therefore we urge the applicant to hold early discussions over this. This link would also provide a direct and convenient route from the site to the primary school and nearby bus stops on The Leasowes and we are open to the notion of adopting this route as a footway.

The sloped topography of this site lends itself well to a landscape-based SUDS scheme and we have requested that should the application be approved early discussions are held with the applicant's designers, our drainage team and the local highway authority to look to maximise the benefit and to minimise the costs of the drainage scheme. If designed well, SUDS schemes can offer wider ecology and amenity value whilst being cheaper to construct and maintain than traditional piped systems.

Following clarification of the connection with existing FP 0416/13/1 and Manor Crest it is considered that the proposed connection to The Leasowes would provide the most direct and convenient connection to the school. The existing walking route via the footpath and footways does indeed provide an acceptable route so it is confirmed that this deals with the previously raised concern.

SC Rights of Way – awaited.

SC Ecologist – No objection

Have read the above application and the supporting documents including the Phase 1 Environmental Survey by Greenscape Environmental dated February 2014. The following conditions and informatives should be attached to any consent

Watercourses

Greenscape (2014) found no evidence of otter and considered the brook unsuitable for water voles. However they recommend a 7 metre undeveloped buffer is retained to the brook to protect the watercourse and its riparian trees. The brook corridor is part of the Environmental Network under Policy CS17.

Condition

1. Prior to the commencement of work on site a 7m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection the Environmental Network function of the brook

Great crested newts

There is one mapped pond within 500 metres of the application site, approximately 200 metres to the north east. This is separated from the application site (an arable field) by housing development, a brook and a lane. Greenscape (2014) consider the barriers will inhibit great crested newt dispersal and do not recommend further

survey work is needed in view of the low risk.

Bats

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

Condition

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

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

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Badger

Greenscape (2014) report the presence of a badger sett over 150 metres from the application site. The following informatives are recommended to avoid injury to any badgers crossing the site.

Informative

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.

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds. The following condition and informative are recommended:

Condition

3. Prior to the first occupation of the dwellings details of ten woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow

and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

SC Drainage – No objection

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

1. The use of soakaways should be investigated in the first instance for surface water disposal. The SuDs applicability for the area is Infiltration PLUS treatment as the development lies within a groundwater Source Protection Zone. Surface water run-off must be treated through a filtration unit prior to entering the soakaway and also pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

2. On the EA Flood Map, the eastern boundary is shown to be in Flood Zone 3. No building work should take place within Flood Zone 3. 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 for approval. The applicant should complete the FRA using Shropshire Councils Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRAs are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

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)

Flood compensation storage, finished floor levels and evacuation plan should be detailed.

Reason: To ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework and to ensure that all potential flood risk to the development has been addressed

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

4. A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.
Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

5. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway
Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

6. Informative: The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

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

7. The layout of the proposed foul sewage system should be submitted for approval, along with details of any agreements with the local water authority. Due to the scale of the development the foul drainage should connect to a mains system and the use of septic tanks or package treatment plants are not deemed acceptable.

Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 7th Edition.

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

SC Affordable Houses – No objection

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

SC Trees – No objection, subject to condition

The proposed site is to the south west of the village of Ford. It is currently used for agricultural purposes. A small brook runs adjacent to the north boundary. This acts as a green corridor and there are a number of trees growing on the banks of this brook, which are important in the landscape and help to visually separate the proposed site from existing residential housing to the north.

No Arboricultural impact assessment (AIA) has been provided with this application so it is not possible to properly assess the impact of the development on the existing trees or to understand the opportunities for improving the existing arboreal environment that may arise from the development of this land. The applicant has submitted a planning statement that considers that an AIA is not required at this stage as they have provided a 'green buffer' along the north of the development. Given that the only trees that could be affected by or potentially affect the site are on the north boundary, I would accept this approach provided that the buffer is extended far enough to ensure that not trees can be damaged or are likely to negatively impact on the development, and that a full AIA is submitted with the Reserved Matters. The green buffer must be extended to a depth into the site of 20 metres measured from the stem base of the nearest tree. It would be expected that the tree survey and tree constraints plan forming part of the AIA was used to inform the site layout and provision made to retain and protect any significant tree and to accommodate new landscape planting, allowing space for new trees to be established and develop to maturity.

Highways Agency West Midlands – No objection

The proposed development is unlikely to generate a significant number of additional vehicles using the A458 trunk road, and does not border the trunk road boundary. Therefore, it is unlikely to have a significant impact on the strategic road network.

Ford Parish Council – Strong Objection

Ford Parish Council wishes to record its **strong objection** to this application for up to 30 dwellings on prime agricultural land within the rural village of Ford. Ford Parish has clearly stated its wish to be designated open countryside and this has been accepted by Shropshire Council in their final draft of the emerging SAM.Dev plan. The designation as open countryside was requested following extensive consultation with the community, through a Rural Community Toolkit event in 2010 and a comprehensive Parish Plan review in 2012. The requirement for additional affordable housing was further tested in October 2013 through a Parish Housing Needs Survey, which revealed a minimal need within the community that is able to be met by the existing social housing stock. The size of the village is considered by the majority of residents to be optimal and sustainable. Further expansion by 8% of the housing stock is neither wanted nor needed to maintain the services and quiet enjoyment of the community.

The Parish Council objects to this application on the following material planning grounds:

Highways safety and capacity:

The proposed access is from the single track rural road known locally as Back Lane. This is a poorly surfaced road, with passing spaces, constricted by a disused railway bridge, giving access to the A458 at the Cross Gates Public House. The road is used by large, slow moving agricultural vehicles for access to farmland and by a small number of residents to access the cottages on Back Lane and Jackson's Bank. The road is unsuitable for heavy commuter traffic as there is poor visibility and little space for vehicles to pass each other. The development of 30 houses can be expected to introduce up to 60 cars to the lane and generate a huge increase in vehicle movements. There will be significant conflict between residents' cars and agricultural vehicles on a daily basis. There have already been accidents in the current year requiring the attendance of the emergency services, with vehicles colliding whilst trying to pass each other on this lane. Furthermore, there is an existing planning permission for 9 business units on the disused poultry farm site, accessed via Back Lane. If the employment site is developed it is likely to generate a steady stream of medium sized vans and trucks. These vehicles are likely to be in direct conflict with residential traffic, coming into the site just as commuters are attempting to leave for work and vice versa.

Back Lane is regularly used by pedestrians, both for access to the pub and village services and by ramblers, horse riders and dog walkers gaining access to the many rural footpaths and bridleways encircling the village, including the recently completed Humphrey Kynaston Way. The poultry farm access is a key access point for the new bridleway. There is no space for two vehicles to pass between the proposed entrance and the chicken farm site and there is no footpath, so walkers are forced to step onto the narrow grass verge if vehicles are passing. Visibility is poor due to blind bends so an increase in vehicle movements will make the lane dangerous for pedestrians and cyclists.

The developer suggests that vehicles from the development will access the main A458 trunk road via the junction at the Cross Gates PH. This junction is of a poor quality, being in close proximity to the junction with the busy Alberbury Road which has an acceleration lane approaching the Cross Gates junction. Speed compliance on this section of the A458 is poor, being at the bottom of a hill and only just within the 40mph speed limit. There was a fatal accident on this stretch of the A458 in December 2013 and this stretch of road has been the subject of a range of speed enforcement measures in the last three years. For these reasons and because many residents are likely to wish to travel in an easterly direction, towards the employment centres of Shrewsbury, Telford and Wolverhampton, the Parish Council predicts that the majority of vehicles will in fact turn right from the development and access the A458 via Butt Lane.

Butt Lane is also a narrow, rural road, with no footpaths along its northern stretch. It passes over a narrow stone, hump-backed bridge which is unsuitable for heavy vehicles. Children walk to school along this route and there is no space to build a footpath. Butt Lane joins the A458 close to Trinity C of E Primary School. This school serves the wider rural communities of Ford, Yockleton and Cardeston and therefore attracts a large number of vehicles at the start and end of the school day. The parking issues associated with these cars have been well documented but in summary, they cause considerable congestion at the junction during busy periods. There is a traffic calming feature outside the school, obliging vehicles to wait for oncoming cars. The addition of up to 60 vehicles approaching the junction from the north will result in school traffic queuing back to the junction with the A458, blocking the main carriageway and increasing the danger to both pedestrians and through traffic. The Parish Council considers that this is an unacceptable risk when the need for housing at this site is not demonstrated.

The developer has indicated a proposal to construct a footbridge from the site across the Ford Brook into the recreation ground at The Leasowes. The recreation ground is leased to the Parish Council and no request has been received to gain access to the land. There is also no established footpath across the recreation ground. If this route is proposed as an alternative route to the school and parish hall a suitable path would need to be created and a right of way negotiated. Without such arrangements being agreed in principle, pedestrian access to the site must be deemed to be only via Manor Crest or Back Lane.

Housing Need and Sustainability:

The developer has stressed the countywide shortfall in housing land identified by Shropshire Council and suggested that Ford has a moral obligation to address the matter by identifying itself as a Community Hub, on grounds of sustainability. The inclusion of figures for housing targets in Shropshire is of academic interest only and appears to have been included with the intention of clouding the planning issues relevant to the site and the community. The Parish Council has tested the views of the residents on a number of occasions since 2010, using robust and publicly verifiable methods. The views of the Parish Council can be seen to reflect the up to date views of the electorate of the parish as to housing need and growth. The Parish Council will continue to keep these under review in the coming months. The Parish Council stands by its comments as to CIL priorities and understands that without market housing the Parish will have limited access to funds for infrastructure development. The infrastructure priorities of the parish will also be kept under annual review to ensure the community does not risk stagnation or decline. Reference to the identification of Ford as a development village in 2001 by

Shrewsbury & Atcham BC, (now a defunct institution) is out of date and should be disregarded.

The sustainability argument presented as the overriding justification for the development proposal is based on the number of key services enjoyed by Ford. These services are presently at full capacity and do not require additional housing to support them at this time. The primary school has no space to expand and limited outside space to play. The bus service, which is at best a 2-hourly service on 6 days, is barely adequate to prevent new households being heavily dependent on their private cars. There is great pressure on rural bus services, which are heavily subsidised and there is no guarantee that the present level of service can or will be maintained.

There is very little employment in Ford so any new housing is likely to be occupied by commuters travelling to the employment centres of Shrewsbury, Telford and Wolverhampton with the result of an increase in carbon footprint. Despite including a 'conceptual' document suggesting the inclusion of a community centre and recreational facilities, there are no improvements to community services proposed by the developer. Indeed the addition of 30 houses will simply overwhelm the present services enjoyed by the community. In recent years Ford has embraced the need for affordable housing by promoting the development of 10 new homes on a Rural Exceptions Site. This demonstrates that the community is aware of its wider social obligations and the changing needs of society and has responded in a proportionate fashion.

Furthermore, Ford lies within 3 miles of the major urban expansion project planned for Bicton, which will provide extensive housing and employment land. The small demand for affordable housing that cannot be met within the parish can comfortably be met within the Western SUE, without increasing the need for commuting.

Ford does not have a supply of natural gas and as such any new development will be reliant on fuel oil or low pressure gas for heating. The limited choice of suppliers will result in higher prices for heating these homes than would be the case if they are built within the Western SUE and would tend to lead to an increase in fuel poverty, which goes against Adopted CS8.

Environmental Damage and loss of amenity:

The NPPF supports development where it is sustainable and promotes the use of brownfield sites over high quality agricultural land. The site is presently in use for food production and simultaneously supports a wide variety of wildlife. Badgers, buzzards, bats and hares have been recorded on the site and all of these species have protected status. Footpath 13 crosses the eastern tip of the development site and is regularly used by walkers, enjoying an uninterrupted rural outlook. This amenity would be destroyed by the development of housing.

The site slopes up from the brook, which creates a natural sound bowl trapping noise originating from the site. At present, agricultural vehicles are clearly audible from Manor Crest and if approval were to be granted for this site, the noise of construction over many months would be extremely intrusive to the residents of both Manor Crest and Brook Cottages. Once construction is completed, noise from residential vehicles will continue to be an issue, impacting on the amenity of neighbouring properties. The proposals do not include any landscaping features likely to mitigate the effects of this noise nuisance.

Flooding and drainage:

It is acknowledged by the developer that part of the site is subject to flooding and this has been extensively demonstrated over the past 3 months. Back Lane is

regularly flooded between Brook Cottages and the sewage pumping station adjacent to the bridge on Butt Lane. The developer would be expected to ensure that surface water run-off from the site equated to that of a green-field site, however in this case it should be a condition of approval that surface water run-off be significantly reduced, to prevent the continued flooding of the highway.

The developer proposes that foul drainage from the site will be disposed of via the existing mains sewer or that an additional sewage treatment plant could be installed. The latter scenario is likely to be the only one achievable without overwhelming the capacity of the existing pumping station, which is already supported by supplementary pumps to prevent overflowing into the stream. This will be required to protect public health. The site is within a groundwater protection zone and any drainage solution must therefore be designed to ensure no contamination of groundwater or surface water systems.

- Public Comments

24 letters of objection have been received to the application and are summarised as follows:

Highway Safety

Back Lane is a narrow single track country lane with no pedestrian path; the developer has shown a pedestrian pavement on either side of the access road being installed; these pavements would go nowhere as there is no space for a pavement on Back Lane; Back Lane has two exits - one directly onto the A458 where to the right, traffic not only comes from the A458 but also from the Alberbury Road slip road that enters the A458 immediately before the Crossgates Pub that is on the corner of Back Lane and to the left is a blind bend; quite recently a woman was killed in a vehicle accident at this dangerous section of road and this increased use of the junction would add to the existing danger; the other exit from Back Lane is via a small hump backed bridge (that has a preservation order on it) to Butt Lane, this route involves an acute right turn and this is a blind turning onto a very narrow bridge that also serves as the pedestrian route to Butt Lane; Butt Lane is a two lane village road that is actually single lane for at least a third of its length due to permitted parking along one side of the road; the pedestrian path is very narrow only being wide enough for one person and passing involves stepping into the road; increased use of this limited village road network is unacceptable; a decision on the Hotel proposal on another part of the site (believed to be by the same applicant) is still outstanding, potentially adding more traffic disruption to the area around the village; the local bus service is insufficient, restrictive and too unreliable to service local residents who may wish to use it to travel to employment, education or other amenities in Shrewsbury; there can be every certainty that the proposed new development will be car dependant.

Noise

The topography of the land at Manor Crest, Cardeston Brook and the field for the proposed development site forms a large sound bowl; at present, this is not too much of a problem as the field is used only by the occasional agricultural vehicle; a new housing development would introduce an unacceptable level of noise and disturbance to the residents of Manor Crest and to the residents of Brook Cottages.

Drainage/Flooding

Back Lane lies in a valley between two higher sloping fields that in the event of rain, results in water running down Back Lane from Jackson's Bank and from the fields on either side; this is a regular feature and this flooding is not confined to alluvial water, raw sewage regularly flows into Back Lane and even the two extra pumps that have been deployed to the pumping station at the corner of Back Lane have not been able to prevent foul water making Back Lane completely impassable; any further development in this area would be unacceptable and would exacerbate the existing inadequate situation; the sewage pumping station would be put under even more pressure; the brook is often polluted with sewerage and also regularly floods the road.

School

The village school at the top of Butt Lane results in parents taking their children to school or picking them up with all roads in the vicinity used for parking and naturally chaos reigns at each end of the school day; whilst the school is officially not totally full to all intents and purposes the school is at capacity with just enough outside space for children to exercise; increasing the number of pupils would not only cause even more traffic problems but it could very well result in this now successful school becoming overstretched with the result that there would be underperforming children.

Local Ecology

Back Lane has a hedgerow running along both sides providing an invaluable habitat for the many birds that presently roost, nest and feed in it as well as providing a safe backdrop for rabbits, foxes and badgers, all of which live in the area; badgers have been followed along Back Lane; the application site is of great environmental value with the boundary hedgerows, wild grass area, trees and brook containing a huge variety of wildlife; these wildlife areas and corridors are currently undisturbed on the edge of a quiet agricultural greenfield site and any form of residential development will cause a huge disturbance and irreversible damage to the valuable ecosystems present in the area.

Localism/Sustainability

The villagers of Ford overwhelmingly feel that there is no need for further housing in the village; this is the villager's decision; the village already has a school, a church, a village hall, a seniors building with function room and a large recreation field - no need for any new community centre; this is not a sustainable development, there are no jobs in Ford for occupants of any new housing meaning all residents will be commuting out of the village on already strained small roads; the telephone exchange is already at capacity and residents already often lose broadband due to faults on the line.

Shropshire Council have refused applications In Worthen and Montford Bridge already (14/00398/OUT & 14/00518/OUT) for reasons relating to adverse impacts on the character and setting of the rural area by reason of location and proposed scale, failing to promote or reinforce the local distinctiveness of the area and the proposed built form would not reflect the scale and proportions of the existing nearby housing; both the Worthen application and the Montford Bridge application are similar in size and nature to the application for housing development on the

field to the rear of Brook Cottages, Ford and the material reasons for objection to the development proposal at Worthen apply to an even greater extent to the application for development at Ford; Ford has a unique historical character and distinctiveness, particularly at the end of the village for which development is being proposed; allowing this development to take place at Ford will irreversibly ruin the historical character and tranquil nature of the village for good.

The NPPF states that "decision making may also give weight to emerging policy". Ford is due to be classified as "open countryside" in emerging development plans following extensive consultations with the local population; two key objectives of the NPPF are to "put power in the hands of local communities" and "to protect places of value"; core planning principals in the NPPF include that decision makers should "take account of different roles and character of areas" and "recognise the intrinsic character and beauty of the countryside."

There are currently two plots of land for sale in Ford; neither has been sold despite being up for sale for over 2 years; there are several houses up for sale, both private and part ownership properties, which remain unsold, demonstrating there not being a need for additional housing in the village.

One additional letter received from the Access and Bridleway Representative of the Shrewsbury & District Riding Club and the Chairman of the Nesscliffe Hills & District Bridleway Association P3 Group summarised as follows:

Back Lane, which is put forward as the access route to this proposed development site for 30 houses, forms part of the recently launched Humphrey Kynaston Way with Circular Routes off it; this is a project that is promoted by Shropshire Council with funding from Natural England's Paths for Communities Project; Back Lane links the off road sections of the route in both directions from the proposed development site entrance; Back Lane is therefore used by horse riders to access the bridleways in the vicinity and is highlighted on the published leaflets, as it forms an essential part of the Humphrey Kynaston Circular Ford route, as well as providing a link for the linear route from the Kittyoak Lane Bridleway via Back Lane to Ford; occupiers of the proposed houses will need to use vehicles to access many facilities, including the local shops and work and there will also be extra traffic brought onto this narrow lane for deliveries and to service the households; extra traffic generated by this large housing development will put non motorised users on Back Lane at risk, including equestrians and there are no measures put forward for their safe passage, nor for the cyclists who use this lane, should the development be granted; Back Lane is currently a narrow country lane with blind bends and the improvements are only planned for a very short distance by the development.

5.0 THE MAIN ISSUES

Principle of development
Access
Drainage
Archaeology
Design/Visual Impact
Loss of Agricultural Land

Ecology
Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

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

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

and that:

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

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

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

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

6.1.4 Ford has not been promoted as part of any 'Community Cluster' and therefore the SAMDev Pre-Submission Draft does not indicate any development boundary. This site is therefore located within open countryside and allowing this proposal would be contrary to the emerging SAMDev DPD and contrary to the PCs aspirations

regarding no new development within Ford. 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 Ford.

6.1.5 Ford is a village mostly located to the north side of the A458, with some housing and a petrol station, shop and restaurant and private business located to the east of the village fronting the southern side of the A458. Including these services close by the villagers have access to a range of services and facilities, including a primary school, shop, petrol station, restaurant, public house, bowling club, church and playing fields and it is serviced by two regular bus services from Shrewsbury. The site is located at the western end of the village and it is considered that these services that are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.

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

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

6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of up to thirty additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also

make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

- 6.1.8 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present and future generations. It is considered that the additional 30 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents.
- 6.1.9 Environmental role – The site has no ecological designation and whilst it is currently utilised as open agricultural it has little ecological value. The brook running to the east of the site is of greater ecological value and the proposal states that any development would be kept away from this area so as to cause no impact on the existing ecology of this area. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. The site has been identified as a potential heritage value in terms of archaeology and a report to investigate this issue has been submitted by the applicants agent and this is discussed below. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury.
- 6.1.10 Affordable Housing - There is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The number, size, type and tenure of the on-site affordable units would be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.
- 6.2 Access
- 6.2.1 The proposed access layout first provided with the application was not supported by the local highway authority, as the section of the road known locally as 'Back Lane' proposed to be used for vehicular access to the site was deemed to be unsuitable for the scale of development proposed. Through negotiation between the applicant's agent and SC Highways Officers a design has now been provided which is acceptable in principle to the local highway authority. This revised access design proposes to widen Back Lane to at least 5.1m throughout the existing narrow section running along the field/application site boundary, which is sufficient

for a car and a large vehicle to pass each other. SC Highways officers have requested that a verge also be provided and that drainage enhancements will be required along this section in order to secure vehicular access to the site from the A458 at the Cross Gates junction.

- 6.2.2 The design of the proposed access works is subject to technical approval and highways officers have requested that this be covered by conditions. However the design is now acceptable in principle to the local highway authority.
- 6.2.3 The Highways Officers have not requested or looked for any improvement works to the section of Back Lane leading from the application site up to But Lane, as any enhancements may lead to increased use. It is considered that if the more appropriate and convenient route for traffic accessing the site is via Back Lane and the Cross Gates junction with the A458 then people will more likely travel along this route. It is considered that any increases in traffic towards But Lane as a result of the development are likely to be minimal on this basis.
- 6.2.4 As well as the existing public footpath that crosses part of the site giving pedestrian access into the village, the submitted indicative plans also indicate pedestrian links proposed to be provided from the development to The Leasowes recreation ground. It is understood that that Ford Parish Council who hold the lease for the recreation ground have not yet been directly consulted over this route, however the Highways Officers are of the opinion that establishing this link will be critical to the success of the development and to the integration with the local community and therefore urge the applicant to hold early discussions over this with the Parish Council. This link would also provide a direct and convenient route from the site to the primary school and nearby bus stops on The Leasowes. Highways Officers have confirmed that they are open to the notion of adopting this route as a footway.
- 6.2.5 The Highways Agency has not made any objections to the application. They consider that the proposed development is unlikely to generate a significant number of additional vehicles using the A458 trunk road, and does not border the trunk road boundary. Therefore, it is unlikely to have a significant impact on the strategic road network.
- 6.3 Drainage
- 6.3.1 The Shropshire Council Drainage Engineer has raised no objections to the proposal subject to requesting that conditions are added to any consent granted that require further details of surface water drainage and groundwater management to be submitted for approval, as well as a final foul sewage system design that will likely need to connect to the main sewerage system due to the size of the development.
- 6.2.2 On the Environment Agency Flood Map, the eastern site boundary is shown to be within Flood Zone 3. No building work should take place within Flood Zone 3 and it has been confirmed within the application submission that this will be the case.
- 6.3 Archaeology
- 6.3.1 Initial comments to this application from this Council's Archaeology Team requested that an archaeological field evaluation should be submitted prior to

determination of the application as the site lies in close proximity to two archaeological cropmark sites: a ring ditch (HER PRN 03718) and single ditched rectilinear enclosure (HER PRN 03719). Information has now been provided by the applicant's agent to satisfy this requirement in the form of a Geophysical Survey Report by Stratascan and an Archaeological Statement by Castlering Archaeology.

- 6.3.2 The SC Archaeologist has confirmed that from the submitted reports it can be concluded that the archaeological interest of the site is likely to be lower than previously expected and that any further archaeological evaluation, and any appropriate mitigation thereafter, could be secured as a condition of any planning consent granted, in line with Paragraph 141 of the NPPF.
- 6.4 Design/Visual Impact
- 6.4.1 The application site lies just outside of Ford, immediately south and west of the westerly boundary of the Ford Conservation Area. The site is situated at an important position adjacent to the Conservation, although the brook and its mature planting does provide a visual break between the site and the existing built area of Ford. Shropshire Council's Conservation Officer notes that any development here will need to be sensitively designed in terms building layout, scale of development, elevational detailing and materials but does not raise any objections to the development in principle. These are all details which would be considered carefully at reserved matters stage.
- 6.5 Loss of Agricultural Land
- 6.5.1 The site lies on a Grade 3 agricultural land. The NPPF states at paragraph 112 that "Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." This factor needs to be weighed in the balance of considerations in relation to this site and taking account of the guidance in the NPPF taken as a whole. In view of the significant weight which must be given to the lack of a 5 year housing land supply in Shropshire, explained in section 6.1 above (Principle of Development), it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.
- 6.6 Ecology
- 6.6.1 A Phase 1 Environmental Survey report has been submitted with this application. The Council's Ecologist has raised no objections to the findings and proposals in relation to ecological matters, subject to conditions including a condition that would seek to protect the brook's ecology by the provision of a protected zone.
- 6.6.2 The Council's Tree & Landscape Officer has identified that the trees running along the north eastern site edge should be protected by a buffer zone within which no development should take place. They also recommend that an Arboricultural Impact Assessment (AIA) should be submitted with any subsequent reserved matters application for layout details, forming part of the design process for the development of the site. This can be required by condition.

6.7 Open Space Requirements

6.7.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

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

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Ford is a sustainable location for a limited number of new houses (over and above the view put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although

they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11 & CS17

RELEVANT PLANNING HISTORY:

11. Additional Information

View details online:

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

See planning file

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member - Cllr Roger Evans

Appendices

APPENDIX 1 – Report

APPENDIX 2 - Conditions

APPENDIX 2**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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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

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

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

5. The details submitted as part of any reserved matters application for 'layout' shall contain a full Arboricultural Impact Assessment (AIA) that shall include a tree survey and tree constraints plan in order to retain and protect any significant trees.
Reason: In the interest's amenity and to ensure a satisfactory form of the development.

6. The development shall be carried out strictly in accordance with the deposited plans and drawings as amended by the revised plan Numbers 1257-01-A, 1257-02-A, 1257-03-A _ 1257-04-A received on 12th May 2014.

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

7. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.
Reason: The site is known to hold archaeological interest.
8. Prior to the commencement of the development full engineering details of the site access works, new access road, existing highway/road works, structures, foot/cycleways, surface water drainage, street lighting and carriageway markings/signs, shall be submitted to and approved by the planning authority; the works, including the widening and improvement works required on the road known locally as 'Back Lane' 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.
9. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
Reason: To ensure satisfactory drainage of the site and to avoid flooding
10. No development shall take place until a scheme of Groundwater drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.
Reason: To ensure satisfactory drainage of the site and to avoid flooding
11. Prior to the commencement of work on site a 7m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.
Reason: To ensure the protection the Environmental Network function of the brook

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

12. Prior to the occupation of any part of the development the layout of the proposed foul sewage system along with details of any agreements with the local water authority should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed foul water drainage complies with the Building Regulations 2000(as amended) and Sewers for Adoption 7th Edition and to ensure satisfactory drainage of the site and to avoid flooding.
13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity green space.

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

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

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

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

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

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
3. We understand that the proposed estate roads will be offered up for adoption under s38 of the Highways Act 1980 and therefore these roads are to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. An agreement under s278 of the act will be required for the proposed site access works on the existing public highway. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

4. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.
5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.
6. 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.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Consent is required from the service provider to connect into the foul main sewer.
9. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
10. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

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Committee and date
 Central Planning Committee
 21 August 2014

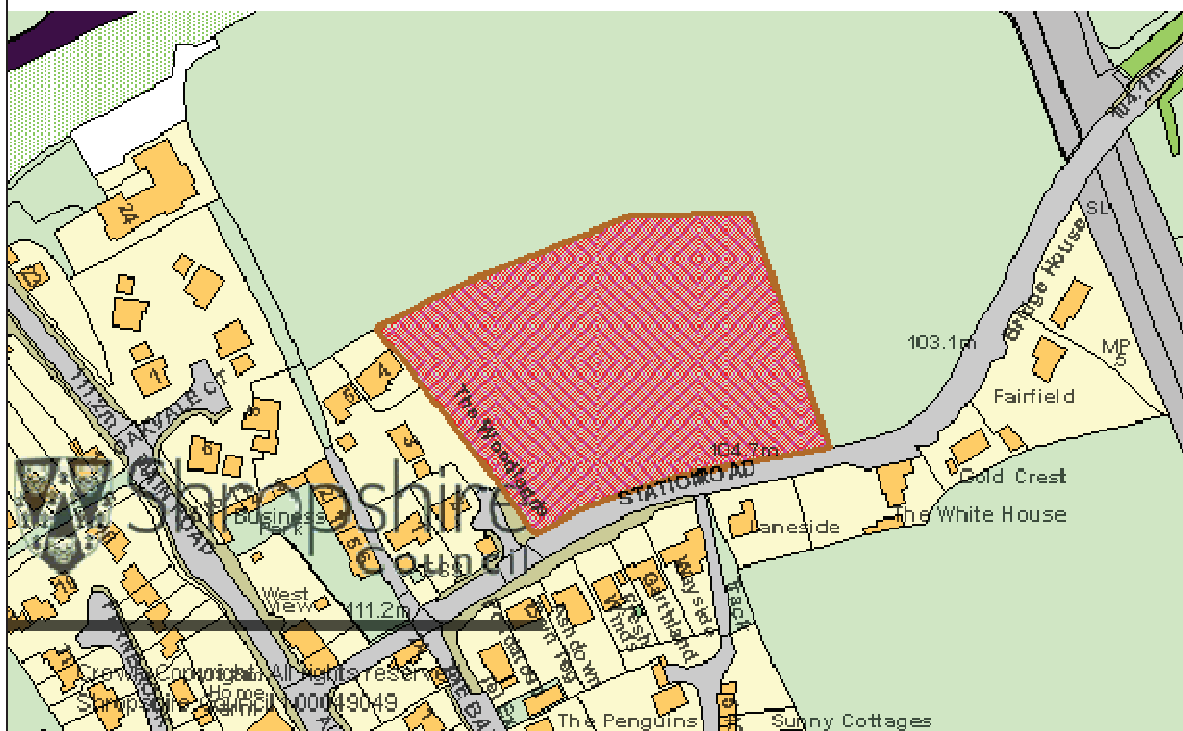
Development Management Report

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

Summary of Application

Application Number: 14/01037/OUT	Parish:	Condover
Proposal: Outline planning application (all matters reserved) for mixed residential development		
Site Address: Development Land North Side Of Station Road Dorrington Shrewsbury Shropshire		
Applicant: Messrs. Davies		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347839 - 303120



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ADDENDUM

Prior to the presentation of the Supplementary Report (see below) an Appeal against Non-Determination has been submitted (APP/L3245/A/14/2222742) with a start date of the 7th August 2014. Officers require a resolution from Committee as to what the decision would have been had the application been determined.

Recommendation:- Grant Permission subject to a section 106 legal agreement to secure an off-site affordable housing contribution and to the conditions set out in Appendix 3.

APPENDIX 1 SUPPLEMENTARY REPORT

This application was deferred by Central Planning Committee at their meeting on 26th June 2014. Committee's resolution was to defer consideration of the application with members minded to refuse the application on the basis that the proposal would not constitute a controlled manner of development within the settlement and the social and economic damage to the village of such a dramatic and sudden increase in housing stock leading to a significant adverse impact on services and infrastructure contrary to the requirements of Para 7 of the NPPF and Policies CS6 and CS8 of the Shropshire Core Strategy.

In response to the above discussions the agent has submitted a further Sustainability Report in support of the application which is summarised below:

Dorrington is a large and sustainable village with numerous services and amenities serving the community and Parish. The amenities and facilities already serve the Parish and the additional residential units provided by the proposed development would increase footfall in the village and support and protect them. The existing businesses and services are well situated within the village and are easily accessible by foot, the application site is less than 0.1 miles from the A49. There is scope to increase business opportunities within the village which would increase employment for local people. Services and amenities within Dorrington which currently serve the community and Parish are: Primary School; Day Nursery; Post Office; Village Hall; Doctors Surgery; Care Home; Public House; Convenience Stores; Restaurant; Butchers; Church; Bowling Club; Brownies; numerous rural business premises including Dorrington Business Park; Netley Hall Estate and Public transport links. The agent has submitted a map of Dorrington that illustrates the location of existing business/services premises in the village and recent planning applications for housing.

The NPPF highlights that groups of villages create sustainable places to live where the services and facilities serve a wider hinterland. Development in one village may trigger to enhancing the sustainability of service within another. Increasing the population in the village will sustain profitability of the services and help them remain viable and open as well as sustaining those in other villages, thus creating sustainable development. The catchment area for persons using the services and facilities within Dorrington extends to a wider community than just Dorrington itself. Solely assessing the sustainability of the proposed development in terms of

increase of housing numbers within Dorrington alone is not a true indicator of assessing sustainability and whether the development will put additional pressure on such services which would render them unable to continue.

National Statistics data states that there were 857 houses in the Parish accommodating 1924 residents. Since the 2011 census 5 dwellings in various applications have been granted planning permission with 38 dwellings (to include affordable units) that are pending consent subject to completion of a s106 agreement; these 38 cannot be deemed deliverable dwellings as they are still pending consideration and are not subject to full planning approvals to date. The services and facilities within the village and parish could easily sustain the proposed houses.

The spread of all proposed housing is throughout the village giving a well balanced and community and cohesion to the village. The proposed housing is to be located directly adjacent to existing housing and would retain the character of this part of the village, not representing any sporadic detached area of development.

Census data states that Dorrington has a population of 613, with an average increase in population since 2011 of 6.8%. The proposed development would therefore constitute an average increase in population of 9.3% (and a 2.8% increase in the number of houses across the Parish) which is deemed reasonable to help sustain village services rather than render them unviable.

Officers have already stated that they consider that this outline application for up to 24 dwellings would not be likely to provide any significant additional pressure on the existing well established services in Dorrington. Whilst this application, the other recent applications for housing in the village and the proposed allocated site for housing in SAMDev when added together would constitute a significant increase of the number of households within the village it is not considered that this would render the existing services and businesses unable to continue to sustain provision for residents. All of these sites are spread throughout the village rather than in just one location and would likely be developed at differing times, meaning that the impact would not be felt in one immediate occurrence. The spread of housing developments across the village would also reflect the existing spread of facilities and businesses across the village. The recent provision of the pedestrian crossing over the A49 has also helped to link the two halves of the village together producing more easily accessible services to the whole village.

Meanwhile in respect of policy, following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year

housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

However prior to the adoption of the SAMDev DPD there is still a strong presumption in favour of sustainable sites for housing where any adverse impacts do not significantly or demonstrably outweigh the benefits of the development as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration.

The key factor in determining this proposal continues to be an assesment of whether the proposal would represent sustainable development and whether it is an acceptable scale and design appropriate for the village of Dorrington.

APPENDIX 2 REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the residential development of the site. This application is outline with all matters reserved for consideration at a later date. An indicative site layout plan shows a layout of twenty four dwellings accessed off Station Road via a single shared access and Y shaped shared driveway.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms the south western corner of a large open field set to the north of Station Road. To the west of the site are 5 detached modern dwellings accessed off a private shared driveway (The Woodlands). Other residential dwellings containing a mixture of design and sizes are located to the south side of Station Road, their front elevations facing north towards the application site. The sites southern boundary with Station Road is currently defined by a tall mature hedgerow.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

- 4.1 - Consultee Comments

SC Highways DC – No objections

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

Suggested Condition - Technical Approval

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

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

Informatives

As the proposed estate roads are to be offered for adoption a therefore a s38 agreement with the local highway authority will be required. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.

Background

The local highway authorities consider this site sustainable for development due to its proximity to the existing Dorrington Village centre. Station Road is a bus route and existing stops are located a short distance from the site. Whilst a continuous footway is not provided on Station Road, due to the 30mph speed limit and built up rural nature here people are able to walk the short distance in the carriageway to the nearby footways with relative safety.

The applicant has not annotated the proposed visibility splays on the supplied drawing, however from the scale we assume these are 43m in length which are appropriate for this location. The details of the splays would be ratified in the discharge of the technical approval condition should the site be approved.

Whilst ultimately it is for the Highways Agency to comment on the adequacy of the junction with Station Road and the A49, we are of the opinion that the junction is of a sufficient standard to accommodate the development hereby proposed.

SC Ecologist – No objections

Conditions and informatives are recommended as set out below.

Badgers

A survey in 2011 of land south of Station Road found no evidence of badger setts within 50 metres. As badgers have been recorded in the wider area, the following informatives are recommended:

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Informative

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.

Bats

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

Condition

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

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

Nesting birds

The hedgerows on the site are likely to be used by nesting birds. The following condition and informative are recommended:

Condition

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

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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

SC Drainage – No objection

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

1. The development 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 for approval.

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.

2. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

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

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

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways.

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

Reason: To ensure that, for the disposal of surface water drainage, the

development is undertaken in a sustainable manner.

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

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

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

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

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

SC Affordable Houses – No objection

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.

SC Public Protection – Specialist – No objection

Suggested condition:

Before the development commences, details of the means of construction which safeguards the development from possible landfill gas shall be submitted to and approved by the Local Planning Authority, unless the Local Planning Authority are satisfied following the submission of results of investigations and tests for landfill gas, that such safeguards are unnecessary. The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition.

Reason: The site lies within 250 metres of a landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

Highways Agency West Midlands – No objection

The development site is 0.99 Ha of agricultural land located to the north of Station Road, Dorrington, Shropshire. It is located some 100m to the east of the A49, there is no direct boundary with the Trunk Road. Access to the site is proposed from Station Road.

- ☐ There are no boundary related issues likely to affect SRN interests due to the distance of the development from the A49.
- ☐ Although A49/Station Road junction is not to current design standards, the level of visibility is acceptable and there are no evidenced operational issues with the junction warranting Highways Agency intervention.
- ☐ Due to the relatively small size of the development, traffic impact is unlikely to affect the safe or efficient operation of the A49/Station Road junction.

Accordingly, the Highways Agency has no objection to the proposals.

Condoover Parish Council - Objection

Following a meeting of the Parish Council on 1/4/2014 which was well attended by members of the public, the Parish Council decided to oppose the above application. In principle the Parish Council cannot support the application as it contravenes the Dorrington Village Design Statement and development boundary of Dorrington shown in the Parish Council's SAMDev submission.

The site is considered to be unsuitable for the following sustainability issues which are based primarily on: **Environmental and Access issues** which exist at the location:

- ☐ The narrow lane Station Road is already under pressure as it is already required to sustain a high volume of heavy goods/plant movements and domestic traffic movements. It is therefore regarded as being totally unsuitable to sustain the additional traffic movements arising from the proposed development.
- ☐ There is no public footway to village amenities which would result in pedestrians having to either risk walking along the road side or using their cars. The latter is not regarded as environmentally friendly.
- ☐ The access point on to the A49 at Station Road is particularly dangerous, as it is extremely narrow and restricted. It is therefore unsuitable to meet the demands of the resulting increase in traffic movements.

Social issues:

- ☐ Community cohesion/ integration issues would arise with the introduction of such a densely populated plot. The Dorrington Village Design Statement stresses the need for gradual and phased development in a village which has undergone a great deal of change and expansion in the last 20 years.
- ☐ The development of the site is also likely to open the door to further development which will result in a further expansion of Dorrington village;

which is not supported by the Community.

Drainage:

- ☐ It is also noted that no drainage or FRA had been submitted with the application; this is required for such a substantial development and their absence questions the sites sustainability.
- ☐ The Parish Council and Community trust that Shropshire Council will give significant weight to the Parish Council's SAMDev submission. The submission was arrived at through extensive public consultation which began in 2010 and has involved many public meetings since. These have been well attended by its Community; and supported by SC planning officers; SC councillors and parish councillors. This represents a belief in "Localism"; planning from the bottom up and a huge investment in people's time, and resource which should not be overlooked.
- ☐ Dorrington's Village Design Statement is robust and detailed; identifying two development areas within the village boundary and central to village services. Providing the potential to build 30/32 additional homes which will meet the economic and social needs of the village. Developers detailed plans as presented to the Community and Council include a healthy mix of house types which include affordable homes and bungalows which the Community identified as a need in the 2009 Parish Plan. This has been incorporated into the SAMDev document.

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

4.2 - Public Comments

16 letters of objection from 14 addresses have been received and are summarised as follows:

Principle of Development:

The application site is outside of the village development boundary and therefore contrary to Condover Parish Council's Parish Plan and Shropshire Council's not yet fully adopted plan (SamDev); during the consultation process the Parish Council accepted that housing development would be needed within the village in the future and sites were identified which meet access and community needs and which are felt suitable and acceptable, this site is not one of them; Dorrington's housing need has been shown to be exceptionally low and there are already several empty properties available to let; SAMDev proposal is a 5 year plan to deliver sustainable housing implemented following local resident consultation and should not be revisited until 2018 as intended.

Highway Safety:

Station road already has difficulty coping with the many large vehicles using this narrow road, particularly at the very narrow junction onto the A49; access to and

egress from the site would be almost impossible without encountering large vehicles; Station Road is already overloaded with Plant Hire vehicles, quarry lorries, euro-sized tankers, RSPCA vehicles and horseboxes, chicken lorries, buses and Conover Industrial Estate traffic; if each of the proposed properties has just one vehicle, that results in twenty-four vehicles trying to pull out into all this traffic that would be difficult and extremely dangerous; cars regularly have to reverse back on the A49 at the junction when they meet an on-coming vehicle and cannot get past; any kind of incident on the A49 between Bayston Hill and Dorrington results in all traffic being diverted from the A49 through Conover and along Station Road; Continuous public footpath to village cannot be maintained; roadway is not wide enough to give adequate line of sight for emerging traffic from driveways for 41 cars (1.7 per household is national average x 24 houses)

Sustainability:

We want our village to grow in a sustainable way, but we want that growth led by local people, on sites that make planning sense, on sites that local people know well, on sites that have safe access; the application states that It is considered that all the village services are within safe walking distance of the application site; All local services apart from the local shop are on the opposite side of the A49; do not consider the site too be sustainable; insufficient employment within village to support increase in population making commuting inevitable.

Services:

The existing properties along Station Road are on septic tanks and there is a lack of capacity in the village's current sewerage system.

Land Contamination:

The application site also immediately backs on to an Inert Landfill Tip; understand that there is an exclusion zone around tips which prohibits habitable building; understand that methane monitoring is ongoing.

5.0 THE MAIN ISSUES

Principle of development
Access
Drainage
Land contamination
Design/Visual Impact
Open Space Requirements

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'

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

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

and that:

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

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

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

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

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

- 6.1.5 Dorrington forms a community that is split to either side of the A49. There are a range of services and facilities within the village, including a primary school, shop, post office, public house, restaurant, butchers shop, doctor's surgery and Dorrington Business Park. It is serviced by a regular bus service from Shrewsbury and Church Stretton/Ludlow. The site is located at the eastern side of the village and it is considered that these services that are all within an easy walking distance of the application site. It is therefore considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.1.6 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- ② an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - ② a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - ② an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.1.7 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide local employment for the construction phase of the development supporting small local builders and building suppliers. The provision of twenty four more additional houses will also support local businesses as future occupiers will access and use local services and facilities. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also make a financial contribution to the supply of affordable housing in addition to a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.
- 6.1.8 Social role – Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities and will benefit both the existing and future residents and help meet the needs of present

and future generations. Whilst the 35 houses envisaged on the identified site through SAMDev (not yet subject of any planning approval) and the other developments recently granted planning approval within Dorrington (approximately 38 in total) will add some pressure to existing facilities, it is considered that the additional 24 dwellings now proposed would not be likely to provide any significant additional pressure on the existing well established services in Dorrington that would render them unable to continue to sustain services for residents.

- 6.1.9 Environmental role – The site has no heritage, cultural or ecological designation. Whilst it is currently utilised as open agricultural it has little ecological value. The proposal would have no adverse impact on wildlife and the ecological value of the site could potentially be improved by relevant conditions. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible to local services and facilities on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Church Stretton & Ludlow.
- 6.1.10 Affordable Housing - There is a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The current prevailing target rate for affordable housing in this area is 15%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The number, size, type and tenure of the on-site affordable units would be discussed and agreed with the Housing Enabling Team prior to the submission of a full or reserved matters application.
- 6.2 Access
- 6.2.1 The application site is located close to the centre of the village and Station Road is on a bus route with existing bus stops located a short distance from the application site. Whilst a continuous footway is not provided on Station Road, due to the 30mph speed limit and built up rural nature here people are able to walk the short distance in the carriageway to the nearby footways with relative safety. The Highways Officer has raised no objections to the proposal or the indicative access arrangements, although would wish to see full technical details of the proposed access as part of any subsequent reserved matters application.
- 6.2.2 The Highways Agency has provided comments on this application and make no objections to the proposed scheme. They have noted that although the A49/Station Road junction does not meet current design standards, the level of visibility is acceptable and there are no evidenced operational issues with the junction warranting any Highways Agency intervention. Due to the relatively small size of the development, the Highways Agency also considers that traffic impact is unlikely to affect the safe or efficient operation of the A49/Station Road junction.

6.3 Drainage

6.3.1 The site area for this application is under 1ha and so there is no requirement for a Flood Risk Assessment to be submitted, in line with Environment Agency Standing Advice. The SC Drainage Engineer has raised no objections to the proposal and has requested that conditions be added to any consent given that require details of surface water drainage be submitted and approved.

6.4 Land Contamination

6.4.1 The Council's Public Protection Officers have raised no objections to the submitted application although have noted that the site lies within 250 metres of a landfill site. They have requested a condition be added to any planning permission granted that requires details of the means of construction be approved prior to commencement of development in order to safeguard the development from possible landfill gas.

6.5 Design/Visual impact

6.5.1 The application site is situated to the east of existing housing along Station Road, and to the north of residential properties that front the south side of Station Road. Whilst the site is located outside of the identified development boundary for Dorrington, the site is situated immediately adjacent to the built up area of the village and would be seen in context with the adjacent properties. It is considered that the proposed development of this site for housing would not have any significant detrimental impact on the surrounding landscape enough to justify the refusal of planning permission contrary to the recommendations of the NPPF and its requirements for a presumption of approval for sustainable developments.

6.6 Open Space Requirements

6.6.1 Open space – IPG requires developments of 20 or more dwellings to provide open space on site, to 30sq metres per person. This application design and layout are reserved matters and the provision of open space will therefore have to be designed into a final scheme at the reserved matters stage.

7.0 CONCLUSION

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

7.2 The existing infrastructure is sufficient to support the proposed development and the proposal will provide local needs affordable housing and will be liable for the required CIL payment. It is considered that Dorrington is a sustainable location for a limited number of new houses (over and above that put forward by the Parish as

part of SAMDev) due to its range of essential services and facilities and its proximity to Shrewsbury and Pontesbury with good access to all essential services and facilities without over reliance or long journeys by private motor car. It is considered that the proposal represents sustainable development that will contribute to providing a balance of available housing and would help support facilities and services in this and neighbouring towns and villages and therefore promote '*strong, vibrant and healthy communities*'. It is therefore recommended that members support this application and grant planning permission in line with clear guidance within the NPPF. Permission, if granted, should be subject to the completion of a S106 Agreement to secure the provision of affordable housing in accordance with the Councils adopted policy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS4, CS6, CS9, CS11 & CS17

RELEVANT PLANNING HISTORY:

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Tim Barker
Appendices APPENDIX 1 - Report APPENDIX 2 – Supplementary Report APPENDIX 3 - Conditions

APPENDIX 3

Conditions

STANDARD CONDITION(S)

1. Details of the access, 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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

6. Before any development commences, details of the means of construction which safeguards the development from possible landfill gas shall be submitted to and approved by the Local Planning Authority, unless the Local Planning Authority are satisfied following the submission of results of investigations and tests for landfill gas,

that such safeguards are unnecessary. The development shall be carried out in strict accordance with any details submitted and approved under the foregoing condition. Reason: The site lies within 250 metres of a landfill site and the Local Planning Authority wishes to ensure that the site can be developed and occupied with adequate regard to environment and public safety.

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

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.
Reason: To ensure the long term maintenance of the amenity green space.
8. Prior to the first occupation of the dwellings details of two woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.
Reason: To ensure the provision of nesting opportunities for wild birds

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

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

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
2. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email:

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

3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

5. Consent is required from the service provider to connect into the foul main sewer.
6. If the proposed estate roads are to be offered up for adoption under s38 of the Highways Act 1980 they will need to be designed and constructed in accordance with the Shropshire Council Estate Roads design guide and an agreement will be required with the local highway authority. No works are to be undertaken on the adjacent public highway without obtaining prior approval from the highway authority via the appropriate means.
7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
8. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known

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

9. 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.



Committee and date
Central Planning Committee
21 August 2014

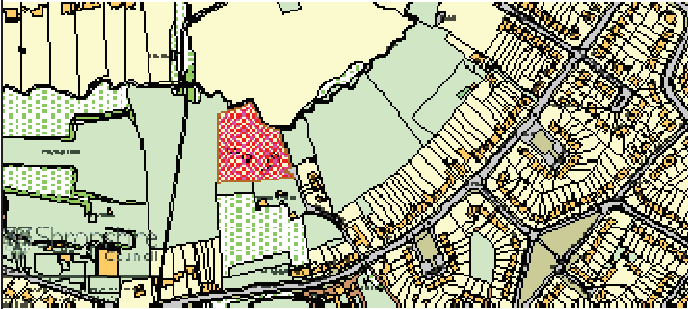
Development Management Report

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

Summary of Application

Application Number: 14/02425/VAR	Parish:	Shrewsbury Town Council
Proposal: Variation of Condition No.5 attached to Planning Permission 12/04261/VAR to allow the annex to be used as a stand alone holiday cottage		
Site Address: 1 Red Barn Lane Shrewsbury SY3 7HR		
Applicant: Mr J Good		
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348681 - 311536



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the variation of Condition No.5 attached to Planning Permission 12/04261/VAR to allow the annex to be used as a stand alone holiday cottage. Condition 5 reads:

The extension to the garage hereby permitted as an annex shall only be used as an integral part and incidental to the enjoyment of the existing dwelling known as no. 1 Red Barn Lane, Shrewsbury, or for holiday let accommodation . The accommodation shall not at any time be sold, let or occupied as a separate unit of residential accommodation. The owners/operators shall maintain an up-to -date register of the names of all occupiers of the holiday let, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: As an annex extension the limited provision is not suitable as a permanent residential unit and to avoid any permanent undesirable fragmentation of the curtilage.

- 1.2 The relevant planning history to this application is as follows:

- ② 12/04261/VAR – Variation of condition 5 attached to planning permission 11/01898/FUL to allow the ancillary annex accommodation to be used as holiday let accommodation – granted 10/1/13
- ② 11/01898/FUL – Erection of a single storey extension to existing garage to provide 1 bedroomed accommodation (amendment to previous application reference 11/00482/FUL) – granted 28/6/11
- ② 11/00482/FUL – Erection of a single storey extension to existing garage to provide one bedroomed annexe – granted 8/4/11
- ② 03/0520/F – Erection of a single storey front and side extension, 2 storey rear extension and detached garage – granted 19/5/03

2.0 SITE LOCATION/DESCRIPTION

- 2.1 No.1 Red Barn Lane is a detached house set to the north end of Red Barn Lane. The house has a detached garage which was previously extended as an annexe, which was subsequently subject of variation applications to allow it use also as a holiday let linked to the main dwelling. The annex/holiday let accommodation has a separate access door to the garage with an allocated parking space at the end of the driveway that serves the adjacent cottages (currently also owned by the applicants). The annexe/let provides one bedroom accommodation, and has its own designated seating/outside area available.
- 2.2 Other residential properties are situated to the east of Red Barn Lane, all using the lane as access to their properties. The other buildings set within the grounds of

No.1 are utilised as either holiday lets or residential lettings and are situated to the north west of the annexe.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

- Consultee Comments

SC Highways DC – No objections

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

Conditions:-

None recommended.

Informatives:-

None.

Key Issues:-

Highway comments:

Red Barn Lane is not an adopted public highway, but in the consultation responses from Highways to the various planning applications that have arisen in relation to this property concern has consistently been expressed about the inability of this lane to support increased two way vehicle movements. The lane is single track and has no passing places near to its junction with Longden Road and a vehicle entering from the highway that meets an emerging vehicle would have to reverse back out onto the carriageway, as it would be impractical for the emerging vehicle to reverse all the way back to the application site. Clearly the increased number of properties at the end of the lane increases the chances of this occurring.

The original planning permission granted in 2011 required the conversion of this garage to be purely as an annex to the house and hence was not likely to increase vehicle movements. The changing of this in 2012 from an annex to a holiday let increased vehicle movements although these would be expected to be less than for a dwelling, as they are usually only considered to be 2 per day for a holiday let rather than 6 for a dwelling. In subsequent applications it became evident that lets were for long periods of time rather than just for holiday makers, hence the vehicle movements would be likely to be similar to those for a permanent dwelling. The applicant has previously stated that there were no traffic problems occurring during these long period lets.

The Highways Team are reluctant to support the current proposal from a highway aspect but accept that there may be planning reasons why the application could be deemed acceptable.

SC Archaeology (Historic Environment) – No comments

No comments to make on this application with respect to archaeological matters.

SC Conservation (Historic Environment)

Background to Recommendation:

Have previously commented that the subject property is within the southerly part of the Kingsland Special Character Area, forming part of the 1981 extension of the Shrewsbury Conservation Area approved in order to take in the large area of open space from Kingsland Road, along the line of Longden Road and Old Roman Road, and then along Roman Road, linking back with the original 1970 Conservation Area boundary south of Kennedy Road. The property is a relatively large parcel of land at the end of Red Barn Lane in an isolated position surrounded by open space, and which backs onto the Rad Brook. None of the buildings on the property are statutorily listed, and all date from the 20th Century.

Principles of Scheme:

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

RECOMMENDATION:

No further comments to make on this current application with respect to built heritage or historic environment matters.

Shrewsbury Civic Society – Objects

The Civic Society is concerned about this application.

It appears that there is an intention to produce a stand alone dwelling in a sensitive area that otherwise would constitute one of Shrewsbury's precious, slender, green corridors into town. We are concerned that this planning variation represents a trespass by stealth, and that if passed others may feel this is legitimate.

We therefore object and hope the application will not be allowed.

Shrewsbury Town Council - OBJECTS

Comment -Shrewsbury Town Council objects to the lifting of this condition; Members are of the view that this application was originally presented on the basis that an annex was needed for the original dwelling and whilst the application was refused, the Planning Inspectorate on upholding the appeal was most insistent that this dwelling should remain as an annex. We would continue to concur with the Planning Inspectors comments that any creation of a stand-alone property will create an unacceptable fragmentation of the site. It should also be noted that this property is situated in an area that has high amenity value providing a natural green lung in the heart of the town and that this aspect should be protected and preserved. Members have been saddened that there has been a history of development down this lane which is spoiling what is one of the few green spaces

within the urban area of Shrewsbury.

- Public Comments

Mrs Anne Chebsey (also the locally elected member) - Objection

I have concerns with this application. This site has been developed gradually over the years and now has a number of dwellings with various uses as long and short term lets. When permitting previous applications, it was stated that the site should not be allowed to fragment. If this condition is lifted it will allow exactly that to take place.

There is a long and detailed planning history relating to this site which should be examined in detail before any decision is taken.

I am against any lifting of the condition.

4 objections have been received to this application from 3 addresses and are summarised as follows:

Highway Safety - The applicant is often away from home for long periods and is obviously unaware of the increase in traffic from the letting of his properties; cars frequently have to back, often with difficulty, down a single track lane with blind corners; there are no public passing places; it is far too dangerous to back onto Longden Road with traffic rounding the bend often in excess of the 30mph speed limit; the long term lets have led to visitors and other trade traffic which holiday lets generally do not have which have yet again increased the volume of traffic down what was once a quiet lane that was safe to walk down; any further development or change of use which will inevitably increase traffic in what is supposed to be a conservation area should not be permitted; should the applicant be granted permission enabling the sale of 1 Red Barn Lane this will result in the applicant becoming an absentee business operator/landlord necessitating increased traffic flow as he services his properties, for example refuse is currently collected from all four units and disposed of by the applicant as and when necessary, and changeover cleaning is undertaken utilising existing storage facilities located at the main dwelling, all of this servicing and repairs would be undertaken separately from the residents of the lane.

Site fragmentation - The subject site presently consists of 1 main dwelling (1 Red Barn Lane), 2 holiday lets (Willow & Acorn cottages), 1 monthly let (Beech Cottage) and 1 long term let (Oak Cottage); in the past permissions have been consistently used to prevent any fragmentation of the site; in the Development Management Report, dated 10 Jan 2013 (APP12/04261/VAR) this was given as to the reason for Condition No. 5 being applied; namely to ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage which would be detrimental to the amenities of the area; this application, if permitted, would create potential for considerable fragmentation; a further concern would be the creation of separate residential curtilages demarcated by some form of boundary treatment; any demarcation would impair the open character and integrity of this particular part of the conservation area.

5.0 THE MAIN ISSUES

Principle of development/Fragmentation of the site
Highway Safety
Residential Amenity
Visual Impact on the character of the surrounding Conservation Area

6.0 OFFICER APPRAISAL

6.1 Principle of development/Fragmentation of the site

6.1.1 This application seeks a variation of the condition that will allow for the annexe to be used as a holiday let separately to the occupation/ownership of No.1 Red Barn Lane. The varied condition would therefore read:

The extension to the garage shall only be used for holiday let accommodation. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday let, and their main home addresses, and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: As a holiday let the limited provision is not suitable as a permanent residential unit and to avoid any permanent undesirable fragmentation of the curtilage.

6.1.2 The principle of use of the annexe for holiday accommodation has already been established by the earlier variation application Ref 12/04261/VAR which allowed for a mixture of annexe use and holiday let use in connection with No.1. It is noted that no limitations were placed on the ratio of each use – so the annexe could in theory already be used solely as annexe accommodation or solely as holiday let accommodation serviced and run by the occupants of No.1 Red Barn Lane.

6.1.3 The unit provides one bedroom accommodation with its own separate access door, patio/amenity area and allocated parking space situated adjacent to that of the other cottages situated within the grounds of No.1.

6.1.4 The site is located within the built area of Shrewsbury. Policy CS2 of the adopted Core Strategy identified that the town will be a major focus for infrastructure and services.

6.2 Highway Safety

6.2.1 The uses of the annexe as a stand alone holiday let would unlikely attract any significant increase in the number of vehicle movements from visitors staying at the holiday let. What does need to be taken into consideration is how many likely additional vehicles travelling to and from the site would be created by the operation of the holiday let with its potential separate ownership and management. It is considered that actual number of vehicular trips required to service the holiday let and carry out repairs to the building would be unlikely to create any significant increase in vehicles utilising the unadopted lane. The Highways Officers whilst raising concerns that no further residential units should be created along this unadopted lane have made no objections to the submitted variation application.

6.3 Residential Amenity

6.3.1 The holiday let already has a defined amenity/patio area along with an allocated parking space and separate front/access door that is accessed from the shared driveway, rather than the private drive and parking areas of No.1. The unit is situated attached to the rear of the existing garage and faces out over the shared communal areas to the front of the adjacent cottages.

6.3.2 It is considered that the use of the building as a separate unit to No.1 would not result in any loss of privacy or have any detrimental impact on the amenity enjoyed by adjacent neighbours through any increased noise or disturbance.

6.4 Visual Impact on the character of the surrounding conservation area

6.4.1 Whilst the proposal is to vary the condition that limits its use, no external alterations are proposed as part of this application. The site is set in context visually with the surrounding residential units and It is considered that the proposed use would not have any impact on the character and appearance of the surrounding conservation area.

7.0 CONCLUSION

7.1 It is considered that the proposed variation of condition 5 would be acceptable and would not have any significant detrimental impact on the occupants of any adjacent properties through loss of privacy or noise and disturbance. It is also considered that any additional traffic created by the management and running of the holiday let from away from the site instead of from No.1 Red Barn Lane would be unlikely to result in any significant increase in numbers of vehicles visiting the site to the detriment of highway safety. No external alterations to the holiday let are proposed and it is considered that the continued use of the unit would not have any impact and would preserve the existing character and appearance of the surrounding Conservation Area.

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, CS13, CS16, CS17

RELEVANT PLANNING HISTORY:

11/00482/FUL Erection of a single storey extension to existing garage to provide one bedroom annex GRANT 8th April 2011

11/01898/FUL Erection of a single storey extension to existing garage to provide 1 bedroomed annex accommodation (amendment to previous approval reference 11/00482/FUL) GRANT 28th June 2011
12/04261/VAR Variation of Condition no. 5 attached to planning permission 11/01898/FUL to allow the ancillary annex accommodation to be used as holiday let accommodation GRANT 10th January 2013

11. Additional Information

[View details online:](#)

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

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

1. Condition No.5 of planning permission ref 11/01898/FUL, and subsequently varied by planning permission ref 12/04261/VAR is hereby varied to read:

The extension to the garage shall only be used for holiday let accommodation. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday let, and their main home addresses, and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: As a holiday let the limited provision is not suitable as a permanent residential unit and to avoid any permanent undesirable fragmentation of the curtilage.

Informative(s)

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. This planning permission notice must be read in conjunction with the original planning permission for the development reference 11/01898/FUL granted on 28th June 2011 where all conditions still apply, other than condition no. 5 which has been hereby varied.



Committee and date

Central Planning Committee

21 August 2014

Development Management Report

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

Summary of Application

Application Number: 14/02385/EIA	Parish:	Little Ness
Proposal: Erection of three poultry rearing buildings, eight feed bins and other ancillary buildings, landscaping including ground modelling and tree planting		
Site Address: Foxholes Buildings Little Ness Shrewsbury Shropshire		
Applicant: Foxholes Farm Ltd		
Case Officer: Kelvin Hall		email: planningdmc@shropshire.gov.uk

Grid Ref: 340808 - 320449

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to the variation of the Section 106 legal agreement to include the following matters: to secure the routing of traffic associated with the development via the Approved Route as set out in the existing legal agreement and as shown below; to provide for the regular monitoring and review of the use of the approved route.



REPORT

1.0 THE PROPOSAL

- 1.1 The existing operational poultry unit development to the north of the village of Little Ness comprises four poultry buildings together with associated feed bins and equipment. The current planning application seeks permission for the extension of the existing development, providing an additional three poultry houses, with associated buildings and infrastructure.
- 1.2 **Proposed buildings:** The proposed extension would be located to the north east of the existing development and cover an area of approximately 1.8 hectares. The development would comprise the following:
- Three poultry houses, each measuring 110.2 metres x 24.7 metres x 2.7 metres (to eaves) and 4.8 metres (to ridge). Each unit would have a fan canopy and baffle area extending from the rear of the shed by 4.6 metres
 - Two groups of four new cylindrical feed bins with conical top and bottom, each measuring 8 metres high x 3.35 metres diameter, located between the poultry houses
 - Construction of concrete hardstanding, approximately 12 metres wide, along the front (northern) side of the buildings
- 1.3 The poultry houses would be of metal portal frame construction and have a solid concrete floor. Both the poultry houses and the feed bins would be finished in Juniper Green colour to match the existing adjacent buildings. The finished floor levels and eaves heights of the poultry sheds would be three metres lower than the

existing adjoining poultry sheds.

- 1.4 The surface water drainage arrangement for the existing site includes an attenuation swale to the south. This would be extended to accommodate flows from the extended site as well.
- 1.5 Cropping cycle: Preparation for the crop cycle would include the delivery of fuel and bedding litter and feed to the site, followed by the delivery of chicks from the hatchery. Thinning of the birds would take place when they are around 40 days old, over a period of two days. The remainder would be collected when they are around 48 days old, again over a two day period. At the end of the growing period the used litter would be removed. It is intended that this would be used as feedstock in the adjacent anaerobic digester plant which is currently being constructed. Wash down and disinfection would then take place in preparation for the next crop. Wash water would be collected in underground tanks before being spread to agricultural land.
- 1.6. Landscaping: A landscaped bund has been formed along the southern side of the existing poultry development. Landscaping proposed as part of the current development would comprise the extension of this tree planting so that it continues along the southern side of the proposed buildings.
- 1.7 Environmental Impact Assessment: The proposed development is of a type listed in Schedule 1 of the Environmental Impact Regulations and as such the planning application is accompanied by an Environmental Statement.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located approximately 700 metres to the north of the village of Little Ness. Surrounding land is in agricultural use. The application site covers an area of approximately 1.8 hectares, and is situated directly to the northeast of the existing operational poultry units.
- 2.2 Vehicles would access the site via an access road which was constructed as part of the planning permission for the existing poultry units. This connects to the public highway, Milford Road, approximately 500 metres to the east of the application site.
- 2.3 The nearest residential properties are those at Little Ness to the south, the closest being approximately 520 metres away. Other residential properties in the vicinity of the site include Milford House, approximately 530 metres to the east.
- 2.4 Public footpaths in the vicinity of the site are:
- West-east direction, approximately 180 metres to the north;
 - North-south direction, approximately 190 metres to the west;
 - Southwest-northeast direction, approximately 220 metres to the southeast. – southwest orientation. At its nearest point it is approximately 220 metres from the application site. Idings and the proposed new swale. Other public footpaths in the area are located approximately 190 metres to the south and approximately 230 metres to the northwest.
- 2.5 The Grade II* Listed Church of St Martin is located approximately 530 metres to the south-west of the application site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

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

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Great Ness and Little Ness Parish Council** No objections.

4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: Intensive pig and poultry sites are regulated by us under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. Farms that exceed capacity thresholds >40,000 birds require an Environmental Permit (EP) to operate. An EP for 244,000 broiler places was issued in 2010. This was varied earlier this year to increase the number of bird places to 390,000 (an increase of 146,000 bird places) and for the installation of a 995kW biomass boiler (increasing the biomass boiler thermal input to 1990kW for the facility; 2no. 995kWth). The Environmental Statement states that the planning application proposes to accommodate an additional 150,000 bird places on site. According to the information submitted as part of the adjacent planning approval on site (12/01419/EIA), 148,296 broilers are housed in three sheds. Taking into consideration the existing planning approval on site, and the recent EP variation, the current proposed development is considered to have an EP to operate bearing in mind the total number of bird places on site post development. Under the EPR 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 and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning);
- 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;

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

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, you 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". The EIA should of course assess the potential likely impacts and identify mitigation measures to avoid (our preference), remedy or reduce such impacts.

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. We completed an initial ammonia screening assessment on 10 September 2013 (as detailed in Appendix 2.1 of the ES) 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 390,000 bird (broiler) places), it has been concluded that detailed ammonia modelling will not be required. We would therefore not require an appropriate assessment as part of our Habitats Regulations Assessment (HRA). 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.

Odour: Our guidance (Intensive farming 'How to comply' versions 1 and 2, Odour management at intensive livestock installations) states that odour must be considered where:

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

Our 'regulatory interim position statement' defines a sensitive receptor for intensive poultry. This excludes the operator's house (including family), any property in the applicants ownership (tenants); and or an employee's house (directly associated agricultural workers dwelling) as a sensitive receptor.

In this instance there does not appear to be any sensitive receptors within 400m of the installation site boundary, and we have not received any complaints in relation to the existing poultry operations on site. On this basis, it is considered unlikely that the proposed poultry units would contribute any significant odour emissions on sensitive receptors.

The ES confirms that an Odour Management Plan has been submitted and forms part of the EP. This should include all likely sources of odour resulting from the site, along with measures which could be employed to reduce the likelihood of odour annoyance during the operation (this will be controlled through the EP).

Noise: Similar to odour, our permit guidance (Intensive farming 'How to comply' version 2) advises that noise should be considered where there are 'sensitive receptors' located within 400m of the proposed installation. As discussed above, there does not appear to be any sensitive receptors within 400m of the proposed site and we have not received any complaints in relation to the existing poultry operations on site.

On the basis of the above, it is considered unlikely that the proposed sheds would contribute any significant noise emissions to sensitive receptors. The ES confirms that a Noise Management Plan has been submitted and forms part of the EP. This should include all likely sources of noise resulting from the site, along with measures which could be employed to reduce the likelihood of noise annoyance during the operation (this will be controlled through the EP).

Manure Management (storage/spreading): Under the EPR 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 EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that the proposed site (as shown on the site plan submitted) is not located within a NVZ. However, some other areas of land within the applicants land ownership may be located within a 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 us within the EP variation application, including any necessary controls (mitigation).

Water Management: The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the River Perry – confluence of the Tetchill Brook to the confluence of the River Severn (Waterbody Reference GB109054050030), which is classified as 'poor' waterbody. 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 (SSAFO). Yard areas and drainage channels around sheds are normally concreted. 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: Based on our 'indicative' Flood Map for Planning (Rivers and Sea) the site falls within Flood Zone 1 ('low risk' from fluvial flooding). Given the low risk of fluvial flooding to the site, and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water (quantity) drainage design.

The increase in hard standing area could result in an increase in surface water runoff. The ES refers to a Drainage Arrangement Drawing (Ref. 45349-04), which does not appear to have been submitted. Notwithstanding the omitted Plan, Appendix 8.1 of the ES confirms that the surface water drainage scheme has been based on a 1 in 100 year event (including and allowance for climate change) and discharge will remain at a Greenfield runoff rate. We would leave the detail of this for the consideration of the LLFA. For further information reference should be made to our LPA Process Note 'Operational Development (+1ha) within Flood Zone 1'.

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

- 4.1.3 **Natural England:** No objection. The application site is in close proximity to Fenemere which is listed as part of the Midlands Meres and Mosses Phase I Ramsar site¹ and also notified at a national level as Fenemere Site of Special Scientific Interest (SSSI).

The Council, as competent authority, should undertake a Habitats Regulations Assessment (HRA). In relation to the HRA, Natural England advises:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

The applicant has provided your authority with an initial ammonia screening tool undertaken by the Environment Agency. They have concluded that detailed modelling is not required as emissions resulting from the proposal will not have a likely significant effect on the Ramsar site.

SSSI: This application is in close proximity to Fenemere, Hencott Pool, Lin Can Moss and Shrawardine Pool Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

The following should be assessed and considered by the Local Planning Authority (LPA):

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species: We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

- 4.1.4 **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.

- 4.1.5 **SC Highways** No objections. The remaining highway conditions attached to planning consent reference 12/01419/EIA are to remain unchanged by this application.

Under the previous approved scheme for the three broiler sheds the applicant was required to carry out local highway improvements to the agreed route between Foxholes Farm and the A5 trunk road, which were successfully completed. The changes under consideration now will increase the number of HGV movements to the site with the supplied transport assessment reporting that HGV movements per crop cycle will increase by 116 movements (one movement being a trip in a single direction, so 56 HGV visits to the site) from the current surveyed figure of 140 movements per cycle. The applicant has made no request to alter the current condition limiting HGV movements during depopulation operations, so this is to remain unchanged. Likewise the commitment to use the approved and upgraded HGV route is also to remain unaltered by this application.

Having read the supplied transport assessment it is apparent that by increasing the size of the operation at the site this would yield overall efficiency benefits with fewer overall HGV movements per crop unit when compared to the existing operation. Notwithstanding this, the development will of course increase the number of HGV movements between the site and the trunk road, particularly during the crop depopulation. However these movements will take place over a limited number of days each year and will spread over a 12 hour period. Considering this and given the highway improvement works previously carried out by the applicant, the impacts resulting from this development on the local highway network should be limited. Therefore we have no objection to the granting of consent.

- 4.1.6 **Highways Agency** No response received.

- 4.1.7 **SC Drainage** No objections. The drainage calculations are acceptable and a drawing should be provided showing the revised drainage layout. These details can be conditioned if planning permission were to be granted.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. Details of how the contaminated water in the yard from spillages or cleaning of sheds will be managed/isolated from the main surface water system should be submitted for approval.

Further comments and recommendations are provided, and can be added as informatives on the decision notice.

- 4.1.8 **SC Public Protection** No objections. Potential for noise and odour has been considered under the Environment Agency issued permit for the site and this will continue. However, one element of noise not covered by the permit relates to traffic movements to and from the site. I have noted that the Environmental Statement

submitted with this application dated May 2014 version 1.1 states that no additional night time traffic movements are expected for depopulation and thinning purposes. As a result I do not consider that traffic noise will have a significant impact on the amenity of the area. However, on past planning applications for the site, reference 12/01419/EIA, a condition was placed as follows: "Bird depopulation shall take place on no more than 30 days in a year and associated HGV movements shall be restricted to a maximum of 11 one way movements between the hours of 02:00 and 07:00. Reason: in the interests of residential amenity along the access route."

I would recommend that should this application be granted approval that this condition is placed with the following amendment: Bird depopulation from the site, which will now comprise of 6 poultry sheds, shall take place on no more than 30 days in a year and associated HGV movements shall be restricted to a maximum of 11 one way movements between the hours of 02:00 and 07:00. No more than two one way movements shall occur in any one hour period between the hours of 02:00 and 07:00. Reason: in the interests of residential amenity along the access route. The Environmental Statement notes that this will be achieved and that no additional night time movements are predicted. Therefore this condition does not unreasonably restrict the development and is seen as necessary to ensure that residents on the access route do not have sleep disrupted unduly.

The Environmental Statement makes a distinction between thinning and depopulation however both involve vehicles at night. As a result I would also recommend that a condition is placed to restrict the number of thinning HGV movements. As thinning is expected to take two days per cycle and on average there will be under 7 cycles in a calendar year I recommend the following condition: Bird thinning from the site, which will now comprise of 6 poultry sheds, shall take place on no more than 14 days in a year and associated HGV movements shall be restricted to a maximum of 11 one way movements between the hours of 02:00 and 07:00. No more than two one way movements shall occur in any one hour period between the hours of 02:00 and 07:00. Reason: in the interests of residential amenity along the access route. With regards to air quality particulate pollution has been scoped out due to the number of birds on site and the distance to nearest residential dwellings. I can confirm that air quality guidance document TG09 does not recommend an air quality assessment for particulates for this development.

- 4.1.9 **SC Ecologist** Comments will be updated verbally at the Committee meeting.
- 4.1.10 **SC Conservation** No comments on this application in terms of historic environment matters.
- 4.1.11 **SC Archaeology** Comments will be updated verbally at the Committee meeting.
- 4.1.12 **CPRE** Objects. CPRE have consistently objected to a series of planning applications at both Little Ness and Great Ness, our views have not changed and we therefore lodge an objection to the above application.

As previously stated the proposed site is situated less than 1 mile from the Nesscliffe Hill Country Park which is designated as a Site of Ecological, Geological and Physiographical Importance (LNC 7), and because of the topography, the unit

will be clearly visible from the designated area. Access to the site is via narrow country lanes and the heavy vehicles required for transporting the poultry will inevitably create traffic problems.

Little of significance has altered since the earlier applications, we consider that the proposal would be highly detrimental to Little Ness and the surrounding area.

4.2 Public Comments

4.2.1 The application has been advertised by site notice and in the local press. In addition approximately 119 properties have been directly notified of the proposals. 5 objections have been received; 2 letters of support have been received.

4.2.2 The grounds for objection are:

Larger than previous proposal which was refused

- Original application 09/01778/FUL was for 5 units and this was refused and upheld on appeal; no material change to suggest 6 units is now acceptable
- Reasons for dismissal included visual impact, size, traffic through Great Ness, affecting a Conservation Area and listed buildings, unsuitability of country lanes to cope with increase in large vehicle traffic and night time noise

Traffic

- Local roads unsuitable to take additional traffic; whole character of this area has been destroyed
- routing agreements are unenforceable as there is no one to monitor except the owner
- lorries cannot pass each other on narrow lanes
- formalisation of passing places has not eased the problem
- artificial widening of lane by tractors has compacted verges causing safety issue to pedestrians and horse riders who no longer have a refuge to walk upon
- during the summer this road is untidy, during the winter, spring and autumn it is a real mess; Shropshire highways department do very little to maintain this road to a reasonable standard
- disturbance and health impact from traffic noise, including night-time
- drainage is becoming problematic on the lanes and roads in this area; standing water on the local roads is a permanent feature during the winter months; water is accumulating in the pot holes and against the hedges where the grass verges used to be, a real hazard to cyclists (and this has become an increasingly busy area for cyclists)
- following should be taken into account:
 - 1. The road between Nescliffe and Baschurch should be clearly defined with kerb stones on bends and white lines on each side in an attempt to reduce damage to the verges.
 - 2. The drainage on this road needs to be investigated and improved.

Emissions and pollution

- Need to include other poultry units and biomass units within emissions calculations

Ecology impact

- Effect on wildlife of The Cliffe, last lowland heath in the county

Odour

- Foul smells from site

Noisy fans

Cumulative impact of chicken farms in the parish; would be 24 sheds within an area of 2km

4.2.3 The reasons for support are:

- Site is in an ideal location, and cannot be seen, heard or smelt
- Every effort should be made to increase food production in the country; where UK grain production can be used so much the better.

5.0 THE MAIN ISSUES

- 5.1
- Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character and visual impact
 - Impact on heritage assets
 - Local amenity and other considerations
 - Traffic and access considerations
 - Rights of way considerations
 - Ecological considerations
 - Impact on water resources
 - Planning history considerations

6.0 OFFICER APPRAISAL

6.1 Planning policy context; principle of development

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

6.1.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. The Policy provides support for the appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74).

- 6.1.3 Policy CS6 sets out sustainable design and development principles to be applied to new proposals. These relate to issues such as the safeguarding of residential and local amenity, high quality design of appropriate scale and pattern (which takes into account local context and those features which contribute to local character), accessible location, and appropriate landscaping.
- 6.1.4 Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets.
- 6.1.5 Policy CS17 relates to environmental networks of natural and historic assets, and (among other points) emphasises that all development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and should not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.1.6 Policy CS18 sets out design principles for the integration within new developments of measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.
- 6.1.7 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy. The application would create an additional 1.4 full-time equivalent employees plus additional labour for delivery, chick placement, veterinary care, dead bird collection and catching equivalent to around 2.5 full time workers.
- 6.1.8 In principle therefore the proposed expansion of the existing broiler chicken business can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.
- 6.2 **Siting, scale and design; impact on landscape character, and visual impact**
- 6.2.1 Siting, scale and design: The proposed additional sheds would be positioned parallel to the existing three sheds, and would match these in terms of orientation, design, appearance and dimensions. This would provide a uniform design and minimise visual impact, and it is considered that this layout is acceptable in principle.
- 6.2.2 Impact on landscape character: The site is located within a gently rolling lowland landscape, with large scale fields generally in arable use bounded by hedgerows containing occasional hedgerow trees. There are also a number of small scale woodland blocks in the local landscape. Further to the north the land rises steeply to the wooded hills of Nesscliffe Hill Country Park and The Cliffe. The existing

buildings are low profile structures and have been constructed at a lower level than the adjacent field. They are finished in Juniper Green colour to help to minimise visual impact on the surrounding landscape. The existing buildings are however visible from some public viewpoints in the local area, including Milford Road to the southeast, and public footpaths in the vicinity. Tree and shrub planting has taken place atop a grassed bund along the southern side of the existing poultry development as part of an approved landscaping scheme, and as this develops this will screen the existing development further.

- 6.2.3 The LVIA has assessed the quality of the local landscape and considers that it is of 'medium' quality. There are no national or local landscape designations affecting the application site and surrounding landscape. In terms of landscape value the LVIA considers that the area has Local Level Value. The Shropshire Landscape Character Assessment classifies this area as having 'low' overall sensitivity to change. The LVIA has also considered the landscape sensitivity of the area. It notes that any new poultry development would be seen in the context of the existing buildings, and the new buildings would be set at a lower finished floor level compared to the existing buildings. It states that from the north the new buildings would be largely obscured by the undulating topography, and from the west they would be largely obscured by the existing buildings. It goes on to state that, from the east they would be seen against the backdrop of existing buildings, and from the south they would be seen against the backdrop of the wooded hills. Taking this into account the LVIA considers that the area has Low Landscape Sensitivity to accommodating the proposed development.
- 6.2.4 Existing trees and hedgerow in the area would be retained. The existing tree planting along the southern side of the existing site, which has recently been completed, would be extended to provide an additional 186 native tree species.
- 6.2.5 In terms of the impact on landscape character, it is noted that the proposed extension would be seen in the context of and against the backdrop of the existing poultry farm. The LVIA states that the type of landscape in which the site is located occurs over large areas of Shropshire, and large farmsteads, including poultry farms, are now commonplace within this landscape. It suggests that these are the sort of developments that one now expects to see in an agricultural landscape. The LVIA states that, in relation to landscape impact, the height of a building is generally more significant than its floor area. It is noted that the proposed buildings would be low profile and would sit relatively low in the landscape, and that the new buildings would be constructed at a level which is more 3 metres lower than the existing sheds. The feed bins would be the highest element of the development, but at 8 metres high are similar in height to a 2-storey dwelling. The LVIA states that, as the existing and proposed landscape planting takes effect, the development as a whole will gradually be screened from view from most directions.
- 6.2.6 Overall, Officers concur with the conclusions of the LVIA that the effects on the landscape character would be Low adverse over a Low/Medium geographical area. In addition, Officers agree that, resulting from this assessment, the significance of these impacts can be considered to be Minor adverse, i.e. unlikely to be of importance in the decision-making process but of relevance in the detailed design of the project. Therefore, whilst the proposal would result in some degree of adverse impact on landscape character it is considered that this landscape is able

to accommodate such change and that, when assessed in relation to the wider benefits of the proposal, these impacts are not unacceptable. The proposal can therefore be accepted in relation to Core Strategy Policies CS5 and CS6 regarding impact on countryside character.

6.2.7 Cumulative landscape impact: Some concerns have been raised in respect of the cumulative impact of this development with other similar poultry unit developments in the area. It is recognised that there are a number of such developments in the area, including at Felton Butler (1km to the southwest) and the recently permitted extension to the Great Ness poultry unit (1.7km to the northeast), and that it may be possible to view more than one poultry unit from the same location. However given the distance between the poultry units and the distance from which such views would be possible it is not considered that the current proposal would give rise to adverse cumulative impact.

6.2.8 Visual impact: The LVIA has also assessed the visual impact of the proposed development. The proposed development would be visible, to varying degrees, from sections of surrounding public footpaths, from public highways including Milford Lane, from the churchyard of St Martin's Church in Little Ness and from some residential dwellings including some at the northern side of Little Ness. It is noted however that the proposed poultry houses would be seen in the context of the existing development and would sit low in the landscape, and that such visual impact would reduce as the landscape planting becomes more established. In addition, from some locations, the development would be seen against the backdrop of wooded hills.

6.2.9 In relation to the public footpaths and roads, given the transitory nature of such views and the nature of the development within an agricultural landscape it is considered that such visual impact can be accepted. In relation to views from the churchyard and residential properties in Little Ness, these would be some distance away (approximately 530 metres and further) and are partially screened by existing buildings and mounding. Once the landscape planting has established it is considered that such views would be significantly reduced. In relation to Milford House to the east, views from this property are reduced due to distance (560 metres) and would be further minimised as the recently completed planting on a mound to the east of the site establishes.

6.2.10 The proposed development would be visible from the elevated area of The Cliffe, which is part of the Nesscliffe Hill Country Park, to the west. However it should be noted that these areas are approximately 1.6km from the application site and these would therefore be relatively distant views which would reduce their significance.

6.2.11 The LVIA concludes that these would be Minor adverse for views along Milford Road and the footpath to the southeast, and Negligible for all other views. These conclusions are supported, and as such it is considered that any visual impact from the proposal would not be unacceptable.

6.3 **Impact on heritage assets**

6.3.1 The nearest Listed Building to the site is the Grade II* Church of Saint Martin, approximately 530 metres to the southwest. Given the distance between the site and the church, and the intervening structures and vegetation which filter views, it

is not considered that the proposed development would adversely affect the setting of this Listed Building. Adcote School, a Grade I Listed Building, is approximately 1.2km away. However due to intervening vegetation and the local topography, views of the site from the school are restricted.

- 6.3.2 The nearest Conservation Areas are at the southern side of Baschurch (approximately 1.5km to the northeast) and Great Ness approximately 1.7km away). Views of the site from these areas would not be significant, and it is not considered that the proposal would adversely affect the character of these designated areas.
- 6.3.3 The Council's Conservation Officer has confirmed that there are no objections to the proposed development in relation to historic environment matters. In view of the distance of the site from surrounding heritage assets, and the screening provided by existing hedgerows and from the proposed landscaping, it is not considered that the proposal would adversely affect the historic environment of the area. The proposal can therefore be accepted in relation to Core Strategy Policy CS17 to protect the historic environment.
- 6.3.4 The comments of the Council's Archaeologist will be reported separately in advance of the Committee meeting.

6.4 **Local amenity and other considerations**

- 6.4.1 Intensive poultry sites such as the one proposed are regulated by the Environment Agency (EA) through the Environmental Permitting Regulations. The EA has confirmed that the Environmental Permit for the site was recently varied to allow for up to 390,000 birds at the site. The Permit controls operational and management matters at the site, including emissions of odour and noise from the site.
- 6.4.2 Odour and noise: Poultry units have the potential to cause adverse impact in the local area from odour and noise emissions. Odours can be elevated particularly during cleaning out operations, and noise impacts can occur particularly during night-time operations. The Environment Agency has advised that, as there are no sensitive receptors within 400 metres of the application site and there have been no substantiated complaints in relation to odour or noise, it is considered unlikely that the proposed poultry units would contribute any significant odour or noise emissions on sensitive receptors.
- 6.4.3 Notwithstanding this, an Odour Management Plan and Noise Management Plan forms part of the EP, and in this instance it is considered that these would provide a satisfactory level of control to ensure that odour and noise levels do not result in adverse impact in the local area.
- 6.4.4 However the Permit would only control sources of noise from within the permit 'installation boundary'. This would not normally include lorry movements or operational hours. Night-time vehicle movements currently take place in connection with bird thinning and clearance. The submitted Transport Assessment states that the proposed development would not result in any additional night-time HGV movements as a result of the additional three sheds. Planning conditions which restrict the hours and level of traffic associated with these activities can be imposed on any new planning permission, as recommended by the Public

Protection Officer, in order to minimise impact upon residential amenity from traffic noise (see Appendix 1). Overall it is considered that noise generated by the proposed development would be controlled to acceptable levels.

- 6.4.5 External lighting: External lighting would be similar to that provided for the existing poultry houses. The northern gable ends of each unit would be lit externally with a single 100W lamp, and an LED lamp would be positioned at the end of each feed bin passage way to illuminate the control room doors. These lights would be downward facing and protected with a cowl to reduce light spillage. Lighting would only be required during working hours in the winter months and during bird catching.
- 6.4.6 Dust and flies: In relation to dust, the Environment Agency has advised that past experience has shown that the majority of it is deposited on the farm itself. The Agency does not anticipate this causing a nuisance to nearby residents provided that the operation is undertaken in accordance with the Best Available Technology (BAT). The relatively low construction level of the buildings, the screening mound to the southwest of the site, and the proposed tree planting to the south would have dust attenuation properties.
- 6.4.7 The Environment Agency has advised that flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will have been undertaken by the Agency as part of the Environmental Permit, including any necessary controls (mitigation).
- 6.4.8 It is not considered that proposed development would result in adverse levels of amenity from dust and flies.
- 6.5 **Traffic and access considerations**
- 6.5.1 The Section 106 legal agreement associated with the 2012 permission provides for a routing restriction. This agreement would need to be varied to ensure that the routing agreement is relevant to the current proposal to extend the site. The routing agreement provides for a warning and barring system to drivers who do not comply with the routing restriction, and this would be incorporated within any revised agreement. The draft agreement also requires records to be made of all HGVs that visit the site, including vehicle registration numbers. This is current practice, and will assist with following up any future reports of breaches of the routing restriction.
- 6.5.2 The Environmental Statement indicates that HGV traffic would increase by 83% over current levels, rising from 140 movements per cycle to 256 movements per 55 day cycle. The submitted Transport Assessment notes that bird removal is the most significant peak event, and this would take place over four days during each cycle. The Assessment states that the peak vehicle movements in any 24 hour period would be 38 additional HGVs, these being associated with bird removal. It is noted that there would be no increase in the number of HGV movements occurring during night-time periods, and as such the condition on the existing planning permission which restricts such movements can be re-imposed.
- 6.5.3 The Highways Officer has noted that the additional movements would take place over a limited number of days each year, and would be spread over a 12 hour

period. On this basis and taking into account the highway improvements that were undertaken as part of the 2012 planning permission for the existing poultry sheds, the Highways Officer considers that the highways impacts of the proposal would be limited and has raised no objections.

6.5.4 It is concluded that, subject to the routing restriction being maintained, the proposal is acceptable in terms of highway safety and capacity.

6.6 **Rights of way considerations**

6.6.1 A public footpath crosses the existing access track to the site. The proposed development does not propose any works to this footpath and would not prevent the continued use of the path.

6.7 **Ecological considerations**

6.7.1 The planning application submitted in 2012 for the three poultry units was accompanied by an ecological assessment. The current application state that all the background information contained in that assessment is still relevant to the current application. On that basis an addendum to that assessment has been submitted as part of the current application. The ecological report states that the application site is arable land with very little ecological interest, although an adjacent hedge consists of native species. It states that no badger setts have been recorded within a 50 metre search area, and there is no suitable breeding habitat for great crested newts within 250 metres. It notes that common farmland species use the adjacent hedgerows for nesting. In conclusion the report states that the proposal would have minor or negligible impact on habitats, and the adjacent hedgerow would be unaffected. The proposed tree planting comprising 186 native plants would improve habitat in the local area for breeding birds.

6.7.2 Ammonia emissions: The EA notes that emissions from poultry units can potentially impact on nearby nature conservation sites, directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. Based upon the findings of an initial ammonia screening assessment, the EA has advised that detailed ammonia modelling will not be required, and that an appropriate assessment under the Habitat Regulations will not be required.

6.7.3 The comments of the Council's Ecologist will be confirmed in advance of the Committee meeting.

6.8 **Impact on water resources**

6.8.1 The EIA includes a hydrology assessment of the potential impacts of the proposed poultry installation on water resources including surface waters, groundwater and flood risk, and also includes a Flood Risk Assessment. This has identified that the main risks posed to water resources by the proposals are from the increase in surface water runoff from the site, and from the spreading and removal of manure and dirty water.

6.8.2 The assessment identifies that the existing water attenuation feature which serves the existing site has sufficient capacity to accommodate the run-off from the proposed extension to the site. It concludes that it is therefore unlikely that the proposal would cause any off site flooding as a result of increasing the impermeable and semi-permeable surfacing onsite.

- 6.8.3 All operations would occur on hardstanding within a building, and this would provide significant protection from pollution incidents. Surface water from the site would be directed via drainage channels to a new swale to be constructed to the east of the site, as part of a Sustainable Urban Drainage System, in order to minimise flood risk potential in nearby surface waters. Dirty water would comprise wash down water arising from the cleaning of the poultry units. This would be directed to a dirty water tank. It is proposed that a diverter valve would be connected to the drainage system. This will divert the yard water either to the Sustainable Drainage System or to the dirty water holding tanks.
- 6.8.4 The Council's Drainage Officer has recommended that details of soakaways and of the foul water management arrangements should be submitted for approval and an appropriate condition is set out in Appendix 1 below. Whilst the proposal has the potential to result in pollution of water resources and increased run-off, it is considered that the proposals have demonstrated that this risk can be minimised to a satisfactory degree.
- 6.8.5 Manure management: The chicken manure arising as part of the proposed development would be used as feedstock for the adjacent anaerobic digester plant. This element of the proposal does not form part of the application that has been submitted. This element of the poultry operation, including the requirement for a Manure Management Plan, is dealt with as part of the Environmental Permit which is regulated by the Environment Agency.

6.9 Planning history considerations

- 6.9.1 A previous application for five poultry units at the site was refused in 2010 (ref. 09/01778/FUL), and subsequently dismissed at appeal in 2011. Some objections have been made on the basis that the current proposal for six poultry houses would result in a development of more units than the proposal that was turned down at appeal.
- 6.9.2 In dismissing the appeal the Inspector dismissed the appeal the Inspector stated that:
- the highway network would be inadequate to safely and conveniently cater for the traffic generated by the proposal,
 - there would be a detrimental effect from the proposal on living conditions of nearby residents, particularly from night-time traffic noise;
 - the scheme would be out of character with the village and the small-scale nature of the countryside hereabouts and would harm the visual qualities that are clearly cherished by many
- 6.9.3 The Inspector considered that development would not have a significant impact on the nearby Fenemere SSSI and Ramsar site, either on its own or in combination with other development.
- 6.9.4 There are significant differences between the proposal that was dismissed at appeal, and the current proposal. In particular:
- application 09/01778/FUL proposed that the main route to the site would be via the villages of Great Ness and Little Ness, before connecting to a new access road linking to the west of the site. The current application proposes

that vehicles would utilise the same route that vehicles to the existing poultry units use. This, in conjunction with a routing agreement which has been secured through a Section 106 legal agreement, ensures that traffic would not pass through the built up area of Little Ness. In addition, improvements to this route have been undertaken at eight places by the applicant as part of the 2012 planning permission. The routing agreement can be amended to ensure that it is also applicable to the current proposal.

- The routing agreement would ensure that traffic passes a significantly lower number of residential properties, and avoids the centre of Little Ness. In addition conditions were imposed on the 2012 permission to restrict traffic movements during night time, to minimise the impact on residential amenity
- The proposed additional buildings would be constructed at a level which is 3 metres lower than the existing poultry buildings. The poultry sheds, at 110 metres long, are also smaller than those proposed as part of application 09/01778/FUL which were 126 metres long.

6.9.5 Whilst the fact that a proposal involving the construction of five poultry houses was refused planning permission and dismissed at appeal is a relevant factor to be taken into consideration, the current proposal is significantly different in some respects and should be considered on its own merits. Based upon the assessment above it is considered that the current scheme would have significantly less impact than application ref. 09/01778/FUL.

7.0 **CONCLUSION**

7.1 The proposal to extend the existing poultry unit development at Foxholes represents an appropriate expansion of this existing agricultural business, and would provide direct and indirect economic benefits. The EIA accompanying the application has identified the potential impacts of the proposal and appropriate mitigation measures. The impact of the proposal on landscape character would be mitigated by the extension of the existing landscape planting. Further screening of the development would be provided in time once the existing landscaping on top of the bund develops. The closest residential properties to the site are in excess of 500 metres from the site, and it is therefore unlikely that site operations would result in noise or odour impact given this distance. Potential disturbance to residential properties located along the vehicle route from traffic noise during night-time operations can be minimised through appropriate conditions restricting the number of vehicles. Such night-time operation would only occur on an infrequent basis, on four occasions during the 55 day cycle. The proposal to utilise the existing sustainable drainage system is acceptable. Further controls over the operation would be provided by the Environmental Permit.

7.2 Subject to there being no adverse issues raised by the Council's Ecologist or Archaeologist, it is considered that the proposal can be accepted in relation to Development Plan policies and other material considerations and that planning permission can be granted subject to the conditions listed in Appendix 1 and subject to the variation of the existing Section 106 legal agreement.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9. Financial Implications

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

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

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS4 (Community Hubs and Community Clusters)
- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS7 (Communications and Transport)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.2 Central Government Planning Policy and Guidance:

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

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

10.3 Emerging Development Plan policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: Consultation has taken place on the draft Development Management policies in support of the SAMDev.

The SAMDev will allocate sites for various types of development and will set out detailed policies to guide future development in the county. At this stage, the site and immediately surrounding area are not subject to any specific allocation in the SAMDev.

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

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD12 (Natural Environment)

10.4 Relevant Planning History:

09/01778/FUL Erection of five poultry units and ancillary works including creation of new access and off-site highway improvements, refused 27th May 2010

12/01419/EIA Erection of 3 poultry rearing sheds; 2 control rooms, 7 feed bins, office/store building, water tower, vehicular access, road improvement works (in Great Ness & Little Ness) earth bund and landscaping scheme, permitted 24th October 2012

13/01316/MAW Erection of a 500kWe Anaerobic Digester (AD) plant for the purpose of farm diversification and for the production of renewable energy, permitted 4th July 2013

Appeal

10/01833/REF Erection of five poultry units and ancillary works including creation of new access and off-site highway improvements, appeal dismissed 30th June 2011

11. Additional Information

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

The application ref. 14/02385/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):

Cllr M. Price

Local Member:

Cllr David Roberts (Loton)

Appendices:

APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

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

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

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

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

6. Notwithstanding the details provided on the landscape drawing no. 1427.03, any trees or plants, that within a period of 10 years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with other species, size and number as originally approved, by the end of the first available planting season.

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

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

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

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

Reason: To safeguard the amenities of the area.

9. Bird depopulation from the site, which will now comprise of 6 poultry sheds, shall take place on no more than 30 days in a year and associated HGV movements shall be restricted to a maximum of 11 one way movements between the hours of 02:00 and 07:00. No more than two one way movements shall occur in any one hour period between the hours of 02:00 and 07:00.

Reason: in the interests of residential amenity along the access route.

10. Bird thinning from the site, which will now comprise of 6 poultry sheds, shall take place on no more than 14 days in a year and associated HGV movements shall be restricted to a maximum of 11 one way movements between the hours of 02:00 and 07:00. No more than two one way movements shall occur in any one hour period between the hours of 02:00 and 07:00.

Reason: in the interests of residential amenity along the access route.

Informatives

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

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

2. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. If soakaways are not feasible, 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 + 20% 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 soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

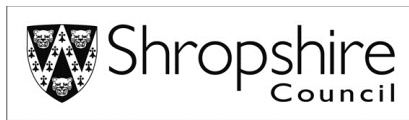
Comment: A contoured plan of the finished ground levels should be provided to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change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

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

Comment: The applicant should submit details on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system. Reason: To ensure that polluted water does not enter the water table or watercourse Informative:

The applicant should consider employing measures such as the following: o Water Butts o Rainwater harvesting system o Permeable surfacing on any new driveway, parking area/ paved area o Greywater recycling system Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

3. The public rights of way must remain open and available at all times and the public must be allowed to use the footpaths without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the rights of way at all times.
 - Building materials, debris, etc must not be stored or deposited on the rights of way.
 - There must be no reduction of the width of the rights of way.
 - The alignment of the rights of way must not be altered.
 - The surface of the rights of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the rights of way without authorisation.



Committee and date

Central Planning Committee

21 August 2014

SCHEDULE OF APPEALS AND APPEAL DECISIONS

LPA reference	13/02552/FUL
Appeal against	Refusal
Appellant	Morgans
Proposal	Formation of outside terrace incorporating a 1.1m high clear glazed screen & reinstatement of original door opening.
Location	Exchange Hotel Bellstone Shrewsbury
Date of application	28.06.2013
Officer recommendation	Refusal
Committee decision (delegated)	Committee
Date of decision	12.09.2013
Date of appeal	20.01.2014
Appeal method	Written Representations
Date site visit	14.05.2014
Date of appeal decision	18.06.2014
Determination time (weeks)	
Appeal decision	APPEAL DISMISSED
Details	

LPA reference	13/05013/OUT
Appeal against	Refusal
Appellant	Abbey Developments Shropshire Ltd
Proposal	Outline application for the erection of 4 no. dwellings to include one affordable dwelling and means of access.
Location	Land At Abbey Lane Alberbury Shrewsbury
Date of application	16.12.2013
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	25.04.2014
Date of appeal	27.06.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/00268/FUL
Appeal against	Appeal against Refusal
Appellant	Mr & Mrs D Brander
Proposal	Erection of extension to existing single storey annexe with new roof creating first floor rooms.
Location	Stapleton Cottage Dorrington Shrewsbury SY5 7EQ
Date of application	23.01.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.04.2014
Date of appeal	21.05.2014
Appeal method	Householder Appeal
Date site visit	16.07.2014
Date of appeal decision	23.07.2014
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/01037/OUT
Appeal against	Non Determination
Appellant	Messrs. Davies
Proposal	Outline planning application (all matters reserved) for mixed residential development.
Location	Development Land North Side Of Station Road Dorrington Shrewsbury
Date of application	10.03.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee - Application went to 26th June 2014 Committee Meeting and was deferred.
Date of decision	
Date of appeal	24.07.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	



Appeal Decision

Site visit made on 14 May 2014

by K E Down MA (Oxon) MSc MRTPI MBS

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

Decision date: 18 June 2014

Appeal Ref: APP/L3245/A/14/2212231

Exchange Hotel, 1 Bellstone, Shrewsbury, SY1 1HU

- 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 Quintin Morgan against the decision of Shropshire Council.
 - The application Ref 13/02552/FUL, dated 28 June 2013, was refused by notice dated 12 September 2013.
 - The development proposed is formation of outside terrace incorporating a 1.1m high clear glazed screen and reinstatement of original door opening.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed outside terrace and glazed screen on the character and appearance of the host building and surrounding area, including the Shrewsbury Conservation Area.

Reasons

3. The appeal site, known as Morgans, lies within the Shrewsbury Conservation Area (CA) and on the edge of the town centre. The immediate area is characterised by variety. Buildings range from much older dwellings and small commercial and retail premises on minor roads such as St John's Hill and other nearby streets, through early 20th century buildings such as the appeal site and its neighbours on Bellstone, a main thoroughfare and secondary shopping street, to large post-war commercial and retail buildings, including the prominent Market Hall opposite the appeal site. At the time of my site visit, a weekday morning, the area appeared busy without being crowded, with traffic and pedestrians passing regularly but not in a continuous stream.
 4. Morgans, is an attractive, three storey, red brick and stone building, with a number of decorative features. It occupies a prominent corner location at the junction of Shoplatch, Bellstone and St John's Hill. It is set back from the carriageway edge behind a wide footway. In 2009 planning permission was granted for the change of use of the public pavement in front of Morgans to a seating area. The development has been implemented and the evidence shows that tables and chairs are regularly placed outside the building. At the time of
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my site visit there were a small number of tables close to the building. Photographic evidence shows that at times the area occupied by tables is larger and temporary barriers have been used to segregate this area from the rest of the footway.

5. I saw that this type of informal pavement seating is not uncommon in the vicinity, with a number of cafes and bars having from one or two small outside tables to a larger segregated seating area. It is clear from the evidence that this outside seating has been supported in Shrewsbury and is perceived to make a positive contribution to the "café culture" and wider tourism strategy in the town.
6. The appeal proposal is to create a more permanent seating area on a raised terrace and behind a clear glazed screen some 1.1m high. The terrace would be partly open to and flush with the footway at the southern end but would increase in height to the north to create a level platform over the gently sloping footway. Existing awnings would project approximately to the edge of the terrace, some 2.7m from the building façade. The proposed terrace would occupy a smaller area than the currently permitted seating area, allowing no less than 2m of clear footway between it and the carriageway edge.
7. When well used the terrace would add to the vibrancy of the street scene in this edge of centre location and would have little more effect on the character or appearance of the host building or the Shrewsbury CA than the existing permitted seating, since the main focus would be the activity of people using the terrace. In my view the segregation between people on the terrace and those in the street would not be materially different from that created using temporary barriers and would thus have no greater effect on the character of the area than the existing situation.
8. Nevertheless, at other times when there was little or no activity on the terrace, for example during inclement weather or at times of year when visitor numbers are lower, the situation would be significantly different and the terrace would look oddly out of place. Its projection in front of the main façade would draw attention away from the building as a whole and visually clutter the footway with a structure that appeared incongruous in the street scene and somewhat pointless. I accept that the screen would be clear-glazed and fairly low. Nevertheless, it would be readily visible and would break up the visual impression of the building, which although not listed makes a positive contribution to the CA.
9. The appellant argues that the design and materials would be of a high quality and has drawn my attention to similar terraces in a city centre. However, these are within a busy, modern, pedestrianised shopping area and appear to have been part of the original design. They are located in an area with noticeably greater scale, limiting their relative projection into what is read as the public realm. Whilst similar in appearance to the proposed structure I do not therefore consider that they are readily comparable.
10. On balance, the creation of a permanent terrace to the front of the appeal building would therefore materially detract from its character and appearance and that of the surrounding area and would fail to preserve or enhance the character or appearance of the Shrewsbury CA, a designated heritage asset.

11. The National Planning Policy Framework (NPPF) states that where a proposal would lead to less than substantial harm to a designated heritage asset, which I consider would be the case, the harm should be weighed against the public benefits of the proposal. Three potential benefits have been drawn to my attention. Firstly, the proposal includes the reinstatement of the original front door to the appeal building. This is currently a window although the decorative head above the opening remains. The door would be accessed from the terrace. The Council does not dispute that this element of the proposal would enhance the appearance of the building and the CA. I have no reason to take a contrary view. However, the door could be reinstated without the addition of the terrace and, arguably, would then have a greater positive impact since it would be more readily visible.
12. Secondly, the terrace would provide a level route from the footway to the reinstated door and would thus provide a permanent disabled access to the building which it currently lacks. This is a clear benefit which has drawn support from a number of third parties. However, whilst the appellant argues that the terrace would be aesthetically more pleasing than a concrete ramp I have no evidence that these are the only available options. The advantages of the disabled access would not therefore outweigh the visual detriment of the proposed terrace.
13. Thirdly, the terrace would support the “café culture” of Shrewsbury and help to attract visitors to the town centre which would have a positive effect on tourism. I note that the Town Council supports the proposal for this reason. However, it is not clear that a permanent terrace would attract more customers or have a greater effect on tourism and the vibrancy of the town centre than the existing, more informal arrangement, which has the advantage of being flexible and hence able to respond to demand, including higher demand since it covers a larger area than the proposed terrace. It is further suggested that the existing arrangement, with temporary screens over a sloping footway, is less in keeping with the building and more disjointed than the proposed terrace. However, the slope on the footway is not so great and I am satisfied that temporary barriers need not appear unduly untidy, such as to detract from the appearance of the building.
14. Overall, whilst the proposed development would bring about clear benefits, there is no evidence that these could only be achieved through the construction of a permanent terrace. I therefore find that the public advantages of the scheme would not outweigh the harm to the heritage asset, the conservation of which should, in accordance with the NPPF, be given great weight.
15. It is concluded on the main issue that the proposed outside terrace and glazed screen would appear incongruous on the open street corner, to the detriment of the character of the street scene, and would detract from the appearance of the appeal building. In consequence the development would fail to preserve or enhance the character and appearance of the Shrewsbury CA. This would be contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, which taken together expect new developments to create sustainable places, designed to a high quality to achieve an environment which, amongst other things, enhances local distinctiveness, is appropriate in scale and design, taking into account local

context and character, and protects, preserves and enhances heritage assets in the built and historic environment.

16. Turning to other matters, objections to the proposal have been received from local residents who are concerned about noise and disturbance from people using the terrace late in the evenings. It is suggested that conditions limiting the use of the permitted outside seating area are currently not adhered to. However, the proposed permanent seating area would, subject to similar restrictions being applied, have no greater potential to effect the living conditions of nearby residents than the existing arrangement. If planning conditions are not adhered to then they could be enforced. This issue would not therefore amount to a reason to resist the development.
17. Third parties also suggest that the loss of the footway would be detrimental to the safe and convenient movement of pedestrians. I note that the Highway Authority has raised no objection to the proposals, subject to the area beneath the terrace being "stopped up" through an appropriate Order. The footway would remain a minimum of 2m wide which is in my view sufficient in this location. Moreover, the existing permission for an outside seating area allows a greater part of the footway to be occupied than is now applied for.
18. New Planning Guidance was published on-line on 6 March 2014 and applies from that date. The content of the guidance has been considered but I am satisfied that it does not affect my conclusions in this case.
19. Nothing I have seen or read alters or outweighs my findings on the main issue. Therefore, for the reasons set out above and having regard to all other matters raised, including that the footway in front of Morgans was historically part of the curtilage of the building and that the proposed terrace would support the functions of the business, I conclude that the appeal should be dismissed.

Karen Down
INSPECTOR



Appeal Decision

Site visit made on 16 July 2014

by **I McHugh DipTP MRTPI**

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

Decision date: 23 July 2014

Appeal Ref: APP/L3245/D/14/2219211

Stapleton Cottage, Stapleton, Dorrington, Shrewsbury, SY5 7EQ

- 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 & Mrs D Brander against the decision of Shropshire Council.
 - The application Ref 14/00268/FUL was refused by notice dated 14 April 2014.
 - The development proposed is extension of existing single-storey annexe with new roof creating first floor rooms.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal site.

Reasons

3. The building, subject of the appeal, is a single-storey flat-roofed structure, which is situated in the rear garden of Stapleton Cottage. The property is located on the edge of the village, adjoining open countryside and woodland. The appeal building is currently used for ancillary domestic purposes.
4. The proposal is to extend the appeal building in order to create a first floor that would provide a self-contained annexe, comprising two bedrooms with en-suite and shower facilities on the ground floor; and a lounge and kitchen at first floor level. The building would be used to accommodate family members and would be ancillary to the existing dwelling. I note that the appellant considers it to be more cost effective to extend the appeal building rather than alter and extend the main dwelling.
5. The Council contends that the proposal would be overly large in relation to the existing dwelling, due its scale and design. It argues that the development would be tantamount to the formation of a new dwelling and that this would fail to respect the context of the site and the surrounding area.
6. Although the footprint of the appeal building would only be marginally enlarged (to provide an additional 'skin' to the external walls), the proposal would add significantly to the height and bulk of the structure. I acknowledge that it would sit within a large plot and no objections have been received from third parties. I have also taken into account the external materials that would be used in its construction, together with the appellant's argument that the roof

design would minimise the visual impact of the development. Nevertheless, in my opinion, it would appear as a dominant and overlarge structure that would be out of keeping and at odds with the existing characteristics of the rear garden, where the current outbuildings are low-rise and small-scale. The enlarged building would clash visually with the existing dwelling due to its siting and overall scale. Consequently, it would appear out of context with its location.

7. In reaching, my decision, I have given weight to the appellants' requirements to house and care for family members, and to the incorporation of energy efficiency measures in the proposed building. In that regard, I have taken note of Policies CS6 and CS11 of the adopted Shropshire Core Strategy 2011 (CS). These policies (amongst other things) require new development to respond to climate change; and require housing to be able to adapt to changing lifestyle needs. I have also noted the height of the existing crop in the adjoining field and the impact this has on the outlook from the ground floor windows of the appeal building, as this is a reason given as a reason by the appellants for providing accommodation at first floor level.
8. However, whilst I have no objections in principle to the adaptation and alteration of the appeal building, I consider that the scale and appearance of the proposal would be unacceptable for the reasons given above. In my view, an appropriate form of annexe accommodation could be achieved within a smaller building.
9. I therefore conclude that the proposal would be unacceptably harmful to the character and appearance of the site. Consequently, it would conflict with one of the requirements of Policy CS6 of the CS, where new development should be appropriate in scale and design, taking into account local context and character. In addition, it is a requirement of the National Planning Policy Framework (the Framework), for new development to add to the overall quality of the area and to reflect the identity of its surroundings (paragraph 58). In my opinion, the proposal would fail to achieve this.

Conclusion

10. It is concluded that the appeal be dismissed.

I McHugh

INSPECTOR