



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

Date: Wednesday, 8 October 2014

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

**Date:** Thursday, 16 October 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](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 Apologies for absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 14)

To confirm the Minutes of the meeting of the Central Planning Committee held on 18 September 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 Development Management Report to Consider Planning Applications Subject to S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014 (Pages 15 - 20)

13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works Development Land Opposite The Crescent Nesscliffe, Shrewsbury, Shropshire.

## 6 Development Of Land At Churncote/Bicton/Bicton Heath Off Welshpool Road, Shrewsbury, Shropshire (14/00246/OUT) (Pages 21 - 58)

Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure.

## 7 Proposed Development Land East of Station Road, Condover, Shrewsbury, Shropshire (14/00335/OUT) (Pages 59 - 82)

Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).

## 8 Land South Of Holcroft Way Cross Houses, Shrewsbury, Shropshire (14/02406/OUT) (Pages 83 - 112)

Outline application for residential development to include means of access.

**9 The Old School, Hookagate, Shrewsbury, Shropshire, SY5 8BE (14/03059/FUL)**  
(Pages 113 - 136)

Erection of two storey extension and bell tower to facilitate use of school building as children's nursery; change of use of agricultural land to play area; formation of vehicular access and parking area (part retrospective).

**10 Schedule of Appeals and Appeal Decisions (Pages 137 - 180)**

**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, 13 November 2014 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



## Committee and Date

Central Planning Committee

16 October 2014

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 18 September 2014**

**2.00 - 5.22 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, Tudor Bebb, Dean Carroll, Miles Kenny, Pamela Moseley, Peter Nutting, Kevin Parry and David Roberts

### **39 Apologies for absence**

An apology for absence was received from Councillor Jane MacKenzie.

### **40 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 21 August 2014 be approved as a correct record and signed by the Chairman.

### **41 Public Question Time**

There were no public questions, statements or petitions received.

### **42 Disclosable Pecuniary Interests**

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

With reference to planning applications to be considered at this meeting, Councillors Andrew Bannerman 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.

With reference to planning application 14/02749/OUT, Councillor Tudor Bebb stated that he was acquainted with Mr Blackmore (a speaker) and declared a personal interest.

With reference to planning application 14/02303/OUT, Councillor Tudor Bebb 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 13/05124/FUL, Councillor Dean Carroll 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 14/00190/OUT, Councillor P Nutting stated that a member of his family lived in close vicinity to the application site and, for reasons of bias, he would leave the room during consideration of this item and not vote.

With reference to planning application 14/00989/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 application 14/02749/OUT, Councillor David Roberts stated that he and Mr Blackmore (a speaker) were both members of the Loton and Tern Local Joint Committee and declared a personal interest.

With reference to agenda item No. 10, Councillor David Roberts stated that as he had previously declared an interest in some of the applications to be considered he would leave the room during consideration of those items and not vote.

**43 Proposed Residential Development Land off Gorse Lane, Bayston Hill, Shrewsbury, Shropshire (14/00989/OUT)**

In accordance with his declaration at Minute No. 42, Councillor David Roberts left the room during consideration of this item.

The Principal Planner introduced the application and confirmed that 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 revised indicative layout.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and the Principal Planner provided a verbal update on a further objection received from a local resident and the consultation response from Shropshire Council's Affordable Housing Team.

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 Ted Clarke, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- He explained that the Parish Council had reluctantly submitted their apologies for this meeting but reiterated that their concerns raised in their previous letters remained extant and urged refusal;
- The development on a steep incline and close to the boundary of Shrewsbury would be contrary to the Bayston Hill Parish Plan;
- Contrary to the Site Allocations and Management Development (SAMDev) Plan and would not address the needs of the local community;
- More provision for the elderly and affordable homes were needed;
- Concerned that the proposed road layout lent itself to further development in the future; and
- The accumulative effect of this and other approved applications would have a detrimental impact on the landscape, environment and the social and economic needs of Bayston Hill.

In response to comments from a Member, the Principal Planner explained that the type and mix of dwellings would be determined upon submission of a Reserved Matters application; and, to ensure a commitment to build these dwellings, a condition requiring the submission of a Reserved Matters application within 12 months of any permission was being proposed. He provided further clarification on the current position of the five year land supply issue.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

**RESOLVED:**

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

- A Section 106 Agreement ensuring the relevant affordable housing provision / contribution; and
- The conditions set out in Appendix 1 to the report.

**44 Westside, Welshpool Road, Bicton Heath, Shrewsbury, SY3 8HA (14/02749/OUT)**

The Area Planning and Building Control Manager introduced the application and confirmed that 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 site plan.

Mr E Blackmore, 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 proposed dwelling would overlook his property;
- Contrary to Bicton Parish Plan;
- Concerned about the number and height of the development; and
- Main access for vans and lorries.

Mrs P Bicknell, 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:

- Only one objection from the adjacent owner of "Ellmar" had been received;
- Application was outline and matters such as height and density would be considered at a later date;
- Parish Council supported the proposal; and
- The site had also been included inside the development boundary for Shrewsbury within SAMDev which had recently been submitted for examination.

In response to comments from Mr Blackmore, the Area Planning and Building Control Manager explained that the type of housing proposed had originally been specified, however, the application had been amended and all matters relating to density, layout, scale and design would now be determined at the Reserved Matters stage.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

**RESOLVED:**

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

- A Section 106 Agreement to secure the relevant affordable housing provision/contribution;
- The amended conditions set out in Appendix 1 to the report; and
- Any subsequent application for reserved matters being considered by this Committee.

**45 Land South of Holcroft Way, Cross Houses, Shrewsbury, Shropshire (14/02406/OUT)**

The Principal Planner introduced the application and confirmed that 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, drainage and proposed road improvements.

Mr S Hawksorth, 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:

- At a well-attended public meeting many residents objected to the scheme;
- Site was prone to flooding;



- The drainage report had referred to a gradual fall from south to north and east to west, but this was incorrect and approximately 70/80% of the site sloped towards existing houses;
- The old railway line had become a wildlife sanctuary;
- Expressed serious concerns relating to an increase in traffic movements and the potential impact this would have on highway safety;
- Would result in overlooking and would impact on light and outlook; and
- Flooding had recently blocked the A458 and more water diverted from this site would exacerbate this problem.

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

- Cross Houses had already doubled in size in recent years following the last Local Plan exercise;
- In an attempt to provide affordable housing in the area and to save the school the community had embraced the building of 80 homes and had accepted the last two developments in the area;
- The Parish Council's wish to remain as Open Countryside had been accepted;
- No play facilities had been proposed; and
- The development would seriously impact on highway safety. The A458 was a very busy road; the junction to the site would be very close to a mini roundabout where many accidents had occurred; and children would have to cross the A458 to access play facilities. She urged the applicant to reconsider the access to the site.

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

- The SABC Local Plan had identified Cross Houses as being suitable for development;
- At this point in time, little weight could be afforded to SAMDev;
- The proposal would be sustainable and would contribute to shared ownership and CIL;
- The delivery of houses would be in accordance with the National Planning Policy Framework (NPPF);
- The package of measures provided would help to calm traffic and improve highway safety on the A458;
- No objections had been raised by Shropshire Council's Ecology Officers;
- Trees along the disused railway line would be retained; and
- Drainage proposals had been approved by Shropshire Council's Drainage Officers and would provide for better water management.

In response to questions and comments from Members, the Area Highways Development Control Manager (Central) provided clarification on the proposed improvements and drew Members' attention to conditions that would ensure that the measures proposed by the applicant on the A458 would be fully implemented prior to

occupation of the dwellings. The Floods and Water Manager provided clarification on drainage and confirmed that full details of the proposed drainage would be required and submitted at the reserved matters stage.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. They expressed concerns relating to highway safety, the lack of play facilities on the site and the conflicting views of the local people and the applicant relating to drainage.

**RESOLVED:**

That this application be deferred for the applicant to reconsider the access and provide further information relating to drainage.

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

The Area Planning and Building Control Manager introduced the application, which had been deferred at the 26 June 2014 meeting of this Committee. He drew Members' attention to the amended conditions as set out in Appendix 1 to the report.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed comments from Shropshire Council's Flood and Water Manager, local residents and the applicant's Drainage Consultant.

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:

- She reiterated her concerns regarding the drainage/flooding.

Councillor David Lane, 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:

- He reiterated the concerns of the Parish Council relating to drainage and the detrimental impact a further six properties would have; and
- The development would impact on the viability of the public house.

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:

- Historic mapping provided proof of the watercourse and its source;
- Officers had made a decision and recommendation based on factual evidence;
- An Environment Agency Exemption Certificate had been granted; and
- The proposal would provide six small much needed properties in Ryton.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the provision of one on-site affordable dwelling; and
- The amended conditions as set out in Appendix 1 to the report.

**47 Development Land North East of David Avenue, Pontesbury, Shrewsbury, Shropshire (14/02303/FUL)**

The Principal Planner introduced the application and confirmed that 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 layout.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed comments from Shropshire Fire Service.

With reference to his declaration at Minute No. 42 and 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 Tudor Bebb, as the local Ward Councillor, made a statement, and then left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- He expressed concerns regarding the junction and the limited visibility;
- This was an unadopted narrow road which had caused issues over the years;
- The road was narrow with no footpath;
- Contrary to SAMDev;
- The area was already overdeveloped; and
- He urged refusal based on the unsuitable access.

Councillor D Fletcher, representing Pontesbury Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The Parish Council had initially supported the application although had reservations regarding the narrow access along David Avenue. It now supported the view that the problems associated with large vehicles using such a narrow access road would be exacerbated by the proposed development; and
- He acknowledged the provision of a hammer head turning space but expressed concerns that the Shropshire Fire and Rescue had not visited the site.

Mr S Thomas, 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:

- No objections had been received from the Fire Authority;
- The hammer head would be Building Regulations compliant;
- No objections to the junction had been raised by Shropshire Council Highway Officers; and
- A property granted permission in 2011 had set a precedent.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure an off-site affordable housing contribution; and
- The conditions set out in Appendix 1 to the report.

**48 To Consider Planning Applications subject to a S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014**

The Planning Services Manager introduced the report and provided clarification on the five year land supply issue. He explained that under delivery on the ground would continue to erode the five year land supply figure until such a time as development activity on the ground increased, with this in mind, in some cases and to encourage submission of Reserved Matters he was recommending that a limit of one year for the submission of Reserved Matters be agreed, rather than the three years previously agreed.

(At this juncture Councillor David Roberts left the meeting and did not return.)

**48.1 Proposed Residential Development Site Off Shillingston Drive, Berwick Grange, Shrewsbury – (11/03087/OUT)**

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation, subject to the conditions set out in the report to Committee of 7<sup>th</sup> November 2013, an amended condition limiting the outline permission to a period of 12 months and satisfactory completion of a S106 Agreement to secure community benefits in accordance with the Council's adopted policies.

**48.2 88 The Mount, Shrewsbury SY3 8PL – (13/04483/FUL)**

**RESOLVED:**

That planning permission be granted in accordance with the Officer's recommendation, subject to a Section 106 Agreement in respect of an affordable housing contribution.

**48.3 Land Between Mousecroft Lane And Longden Road, Shrewsbury, Shropshire – (13/03920/OUT)**

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Shropshire Council's Archaeology Officers.

**RESOLVED:**

That, subject to an amended condition limiting the outline to 12 months and satisfactory agreement being reached on a Section 106 Agreement relating to developer contributions, planning permission be granted as per the Officer's recommendation.

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

Members noted the letter from the applicant circulated prior to the meeting, which confirmed the applicant's intention to commence works on site within two months of a Reserved Matters approval, S106 approval and pre-commencement planning conditions approval.

Councillor D Fletcher, representing Pontesbury 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:

- Be located by a sewerage site;
- Would create a ribboning effect and increase the village length by up to ½ mile;
- Unsustainable;
- Would detrimentally impact on tourism; and
- A condition should be imposed to improve the lane to a standard that would ensure the safety of pedestrians.

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

- There was a range of services in Dorrington;
- The additional footpath was agreed following a request from this Committee; and

- The development would be within close proximity of a bus-stop and the school.

In response to questions from Members, the Planning Services Manager explained that Members had previously considered this site to be sustainable and any concerns relating to design could be considered at the Reserved Matters stage.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation, subject to an amended condition limiting the permission to a period of 12 months, a Section 106 Legal Agreement to secure the affordable housing and subject to the conditions set out in Appendix 2 of the report to Committee on 3 April 2014.

**48.5 Development Land Opposite The Crescent, Nesscliffe, Shrewsbury, Shropshire – (13/04757/OUT)**

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation, subject to an amended condition to limit the permission to a period of 12 months, the conditions recommended previously and a Section 106 legal agreement to secure affordable housing.

**48.6 Development Land Adjacent to Leylands, Pulley Lane, Bayston Hill, Shrewsbury – (14/00254/FUL)**

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from a member of the public.

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 Ted Clarke, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote. During his statement the following points were raised:

- The proposal would be contrary to SAMDev, SABC Local Plan and saved policies; and
- He expressed concerns with regard to the site access.

**RESOLVED:**

That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to a Section 106 Agreement in respect of an affordable housing contribution in accordance with the Council's affordable housing policy.

**48.7 Land At Jubilee Farm Church Road, Dorrington, Shrewsbury, SY5 7JL – (14/00188/OUT)**

**RESOLVED:**

That planning permission be granted in accordance with the Officer's recommendation, subject to an amended condition limiting the outline permission to a period of 12 months and a Section 106 Agreement in respect of an affordable housing contribution.

**48.8 Bicton Hall, Bicton Lane, Bicton, Shrewsbury, SY3 8EU – (13/04790/FUL)**

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the agent.

**RESOLVED:**

That planning permission be granted in accordance with the Officer's recommendation and a Section 106 Agreement in respect of an affordable housing contribution.

**48.9 Land Adj. Field House Shepherds Lane, Shrewsbury, Shropshire- (14/01105/FUL)**

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the relevant affordable housing contribution;
- To the conditions as set out in Appendix 1 to the report of Committee held on 1 May 2014; and
- The additional requirement of a Construction Traffic Management Plan.

**48.10 Proposed Dwelling Adj Lower Wigmore Farm, Wigmore Lane, Wattlesborough Heath, Shrewsbury, Shropshire - (14/00629/OUT)**

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure a financial contribution towards local needs affordable housing in accordance with Core Strategy Policy CS11;
- The conditions as set out in Appendix 1 to the report of the Committee held on 29 May 2014; and
- An amended condition to limit the outline permission to a period of 12 months.

**48.11 Land Opposite Ellesmere Drive, Ellesmere Road, Shrewsbury, Shropshire – (13/05124/FUL)**

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the agent.

In accordance with his declaration at Minute No. 42 and 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 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 proposal would be unsustainable.

**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 to committee of 26<sup>th</sup> June 2014; and
- The conditions as set out in Appendix 1 to that report.

**48.12 Development West Of Caradoc View, Hanwood, Shrewsbury – (13/04967/OUT)**

On behalf of Councillor Roger Evans, the local Ward Councillor for this application, Councillor Andrew Bannerman made a statement, during which the following points were raised:

- There should be no more than 20 dwellings on this site; and
- It was essential that the agreement from the applicant to contribute £25,000 towards the provision of a light controlled pedestrian crossing should stand.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation, subject to an amended condition to limit the permission to a period of 12 months, the conditions recommended previously and a Section 106 legal agreement to secure affordable housing.

**48.13 Development Land Off, Limes Paddock, Dorrington – (14/00190/OUT)**

In accordance with his declaration at Minute No. 42, Councillor Peter Nutting left the room during consideration of this item.



**RESOLVED:**

That planning permission be granted in accordance with the Officer's recommendation, subject to an amended condition limiting the outline permission to a period of 12 months and a Section 106 Agreement in respect of an affordable housing contribution.

**49 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the central area as at 18 September 2014 be noted.

**50 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 pm on Thursday, 16 October 2014 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

This page is intentionally left blank



Committee and date

Central Planning Committee

16 October 2014

**Development Management Report to Consider Planning Applications subject to S106 resolution having regard to the Council's published 5 years housing supply Land Supply Statement of 12th August 2014**

Responsible Officer: Ian Kilby

email: [ian.kilby@shropshire.gov.uk](mailto:ian.kilby@shropshire.gov.uk) Tel: 01743 258718 Fax: 01743 252619

## Summary

This report seeks Members support in respect of planning applications Central Planning Committee has previously resolved to approve where a decision has not yet been issued pending conclusion of a S106 agreement and where there may have been a change in the balance of considerations arising from the publication of the revised 5yr Housing land Supply Statement on 12<sup>th</sup> August.

## Recommendation:-

**Grant Permission for the applications set out in Appendix A subject to the recommendations for each item, Section 106 Legal Agreement and conditions as set out in the original reports to Central Planning Committee and as recorded in the minutes of these meetings**

### 1.0 BACKGROUND

- 1.1 It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point decision is taken. The Council published a revised 5 year housing land supply statement on 12<sup>th</sup> August to demonstrate that, based on data up to 31<sup>st</sup> March 2014, it has a 5.5 year housing land supply.
- 1.2 A number of planning applications for residential development have been referred to this Planning Committee for consideration in recent months where the committee were advised that the Council did not at that time have a five year supply of housing land, this being the position since September 2013. The absence of a five year housing land supply was therefore one of the factors taken into consideration and affecting the weight given to Development Plan policies.
- 1.3 In cases for residential development Planning Committee has resolved to permit the application subject to a S106 legal agreement to provide for affordable housing contributions and any other measures required to make the development acceptable that could not be subject to a planning condition, these applications remain undetermined until the agreements are

signed. This report seeks members views on how the published 5year land supply affects the overall balance of considerations to ensure that at the point the S106 is completed and the decision is issued all relevant material considerations have been taken into account.

- 1.4 The planning applications for housing development where the 5year land supply issue was a material consideration and where there is a resolution to permit the application subject to a S106 agreement that has not been completed are included in Appendix A. In each case these are applications that the Committee will have applied the presumption in favour of sustainable development and therefore will have been considered to be sustainable having regard to the social, environmental and economic considerations set described in the NPPF.
- 1.5 Paragraph 14 of the NPPF states that *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”* For decision taking the NPPF confirms that **“For decision-taking this means:**
- ***approving development proposals that accord with the development plan without delay; and***
  - ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***
    - ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or***
    - ***specific policies in this Framework indicate development should be restricted.”***

## 2.0 OFFICER APPRAISAL

- 2.1 NPPF Paragraph 49 states 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. This had been the position in Shropshire since September 2013 when the last 5 years' supply statement was published and this meant that on the housing supply point, Shropshire Councils *relevant* policies were then out of date, and so had less weight as part of the overall consideration.
- 2.2 For decision taking, the applications where there is a resolution to permit but the S106 agreement has not been signed are presented in Appendix A having regard to the following considerations:
- The presumption in favour of sustainable development described in paragraph 14 of the NPPF applies in any event – all the schemes presented to

committee will have been assessed first on this point having regard to the social, environmental and economic considerations;

- The NPPF aim of boosting significantly the supply of housing is a material consideration and "*housing applications should be considered in the context of the presumption in favour of sustainable development*" (NPPF paragraph 49) and this needs to be considered in relation to the positive and negative impacts of the scheme;
- Policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5 year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being dependent on the extent of unresolved objections and degree of consistency with the NPPF);
- There is a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations if more acceptable sustainable and suitable sites that are permitted impact of under-delivery is offset to a greater degree;
- Now that the SAMDev Plan has been submitted to the Secretary of State for its examination, the Plan is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications.

2.2 In relation to determining planning applications outlined in Appendix A, the main issues to consider are

- whether a particular proposal is in accordance with the Development Plan,
- how it sits in relation to the emerging SAMDev Plan, and
- whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied as set out above.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

The applications included in Appendix A were referred to committee for consideration in accordance with the Council's scheme of delegation. There is no provision in the scheme of delegation in cases where the balance of

material planning considerations may have changed for these “minded to approve” decisions to then be delegated to officers.

#### 4.0. RELEVANT PLANNING POLICIES

Central Government Guidance:

National Planning Policy Framework 27<sup>th</sup> March 2012

National Planning Practice Guidance 6<sup>th</sup> March 2014

Shropshire Council Core Strategy and Saved Policies:

SAMDev Plan (submitted for examination)

MD Policies (submitted for examination)

**Appendix A – An assessment of how the balance of considerations is affected in each case in the context of a 5yr supply of housing land. The original reports to committee and minutes of those meetings are available to view via the online planning register following the link below:**

<http://planningpa.shropshire.gov.uk/online-applications/>

- 1. 13/04757/OUT Application for Outline Planning Permission (access for approval) for residential development and associated works Development Land Opposite The Crescent Nesscliffe Shrewsbury Shropshire Considered by Planning Committee on 3<sup>rd</sup> April 2014 and on the 18<sup>th</sup> September 2014 at which Members gave a resolution for approval subject to submission of reserved matters within 12 months of approval of the outline consent.**

**Following this resolution the agent submitted a letter outlining that as a result of the due process involved in marketing the development, which can take up to 15 months it is not feasible to require submission of reserved matters within 12 months and are therefore requesting 2 years.**

- This is considered to be a site where sustainable development can be accommodated and has been considered in some detail in the original report to committee.

- **Development Plan Considerations**

The application site is currently ‘countryside’ in planning policy terms. Nesscliffe was a Policy HS4 village in the Shrewsbury and Atcham Borough Local Plan (due to the presence of facilities including the primary school), but that policy is no longer in effect and cannot be given weight, having been replaced by Core Strategy Policies CS4 and CS5.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

Further to Core Strategy Policy CS4, Nesscliffe is proposed to be identified as a Community Hub under emerging Policy MD1 of the emerging SAMDev Plan. Furthermore, the application site is proposed as a housing allocation ('Land west of Holyhead Road' for approximately 15 dwellings), within a housing guideline for the village of around 30 additional dwellings over the period to 2026. The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. The current outline application relates to the same area of land as that proposed to be allocated, but it is noted that reference is made to the potential for up to 26 dwellings in the submitted material, rather than the 15 indicated in the emerging SAMDev Plan.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

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

Having regard to the Council's 5yr housing land supply position, given that the site has been considered to be sustainable, the balance of considerations rests with the objective of significantly boosting the supply of housing against the impacts of the development in this location as a site not included in the SAMDev plan. In order to promote delivery of the scheme it is proposed that the grant of outline planning permission is restricted to one year and a planning condition will be included to this effect. The officer recommendation, having regard to these factors is to therefore to maintain a recommendation for approval.

### **Recommendation**

**Recommendation:- Grant Permission subject to an additional condition to limit the permission to a period of 2 years, the conditions recommended previously and Section 106 legal agreement to secure affordable housing.**

This page is intentionally left blank





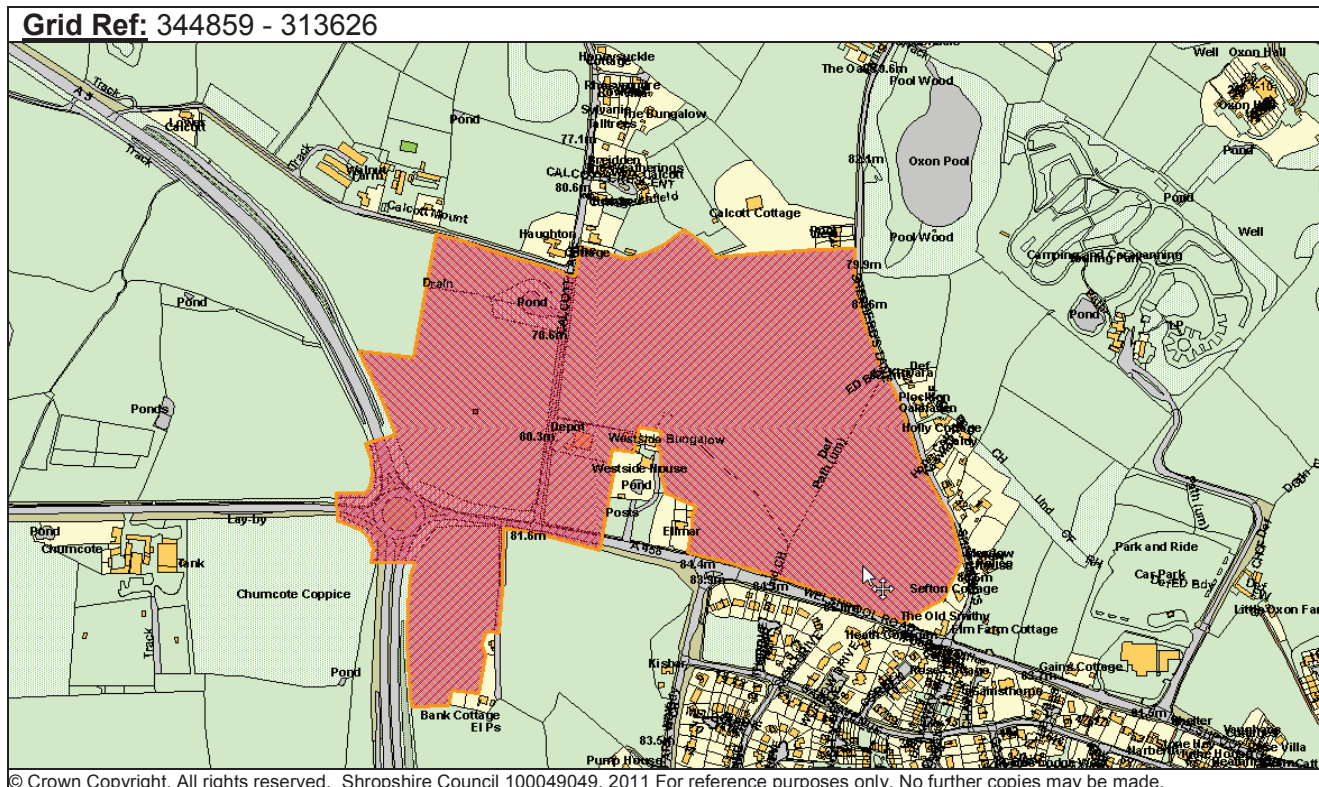
Committee and date  
 Central Planning Committee  
 16 October 2014

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/00246/OUT	<b>Parish:</b>	Bicton Parish and Shrewsbury Town Council
<b>Proposal:</b> Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure		
<b>Site Address:</b> Development Of Land At Churncote/Bicton/Bicton Heath Off Welshpool Road, Shrewsbury Shropshire		
<b>Applicant:</b> David Wilson Homes (Mercia) & Jennings Estates Ltd		
<b>Case Officer:</b> Tim Rogers	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the completion of a S106 Agreement to secure affordable housing and financial contributions as set out in the report.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 296 dwellings of a mix of sizes, together with employment and commercial uses, on land off Welshpool Road at Churncote, Bicton and Bicton Heath. The proposed employment/commercial development includes offices; showroom; A3/A4 (restaurant/public house and a C1 (hotel). In addition to this the application also includes public open space, structural landscaping, vehicular accesses and necessary infrastructure improvements (including a pumping station in the north west corner).
- 1.2 This is an outline application although the housing development element includes details relating the access, scale, layout and design, with only landscaping remaining as a reserved matter. All matters are reserved for the employment/commercial element of the proposal.
- 1.3 The majority of the proposed residential development in the eastern part of the site will be served via a new access off Welshpool Road leading to a central access road and boulevard, and series of estate roads. The western section of the proposed dwellings (60 units) will be served via a separate access off Calcott Lane and those properties at the eastern end of the development site will front on to Shepherds Lane and will be served by a series of private drives off that highway. The proposed employment/commercial development will be situated to the north and south of the very western end of Welshpool Road close to its junction with the A5 at Churncote Island.
- 1.4 The application has been submitted having regard to, but does not include, the proposed Oxon Link Road. This link road will run from Churncote Island at its western end to Holyhead Road at its eastern end. It will form the northern boundary to the application site. The current proposal does however include the provision of public open space to the north of the line of the proposed link road with access via a pedestrian footbridge which will have both stepped and ramped access. The open space would also include a large attenuation pond as part of the surface water drainage solution to serve both the current proposal and the intended link road.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land that is the subject of this application extends to the north of Welshpool Road between the A5 to the West and Shepherds Lane to the East. This is part of the land that is allocated within the adopted Shropshire Core Strategy - Shrewsbury Sustainable Urban Extension (SUE) West.
- 2.2 This area of land is gently undulating in its topography and is currently agricultural grassland. The majority of the boundaries are defined by mature native hedgerows with mature/semi-mature trees interspersed throughout the landscape. The land is close to other residential developments and has good connections to the main road

network. There are also some community services and facilities within Bicton Heath such as a Church, Shops, School etc. The nearby Oxon Park and Ride together with other public transport provide connections to the Town.

- 2.3 The application site surrounds properties known as Westside House and Westside bungalow which together have recently had a resolution to grant planning permission for residential development to include the retention of Westside and Westside bungalow with all matters reserved (ref 14/02749/OUT).

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

- 3.1 This proposal constitutes a major application which in the view of the Group Manager for Environment or the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **SC Planning Policy** – The site is located outside of the Shrewsbury Urban Area as defined by the development boundary on the Proposals Map of the Borough Local Plan, which remains in effect, the application site forms part of the Shrewsbury West Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan which was submitted to the Secretary of State on 1<sup>st</sup> August 2014 for examination. SAMDev Plan Policy S16.1 and related Schedule S16.1a (Allocated Housing Sites), Schedule S16.1b (Allocated Employment Sites), and Figure S16.1.2 (Shrewsbury West SUE Land Use Plan) provide further policy guidance. In addition, the Council has adopted a Master Plan to guide the development of the SUE (adopted by Council on 19<sup>th</sup> December 2013). The application site forms a first phase of the development of the SUE and the proposals are in line with adopted Core Strategy Policy CS2, emerging SAMDev Plan Policy S16.1 and the adopted SUE Master Plan, all of which seek the delivery of comprehensively planned and integrated development, including housing, employment land, and appropriate infrastructure provision/contributions.

In particular, the location of the areas proposed for housing, business uses and public open space, and the provisions made with regard to land for, and contribution to the cost of, the planned Oxon Link Road (between the Churncote Island on the A5 to the Holyhead Road) accord with the Council's policies.

In addition, as with the Shrewsbury South SUE and other major greenfield housing developments in Shrewsbury, officers have worked with the promoters of the Shrewsbury West SUE and the applicants for the first phase of development to identify infrastructure requirements in order to ensure that the development as a whole is sustainable. The provisional costs and contributions required to address impacts arising from development have been agreed in the context of the approach agreed by Cabinet on 24<sup>th</sup> July 2013 in the report on Place Plans Review, linked to Core Strategy Policies CS2 and CS9, the Council's Developer Contributions SPD and, in this case, the specific requirement for the development to help to bring forward the proposed Oxon Link Road.

The package of total costs for the delivery of infrastructure for the whole of the Shrewsbury West SUE has been provisionally agreed to be £3,363,501 (with the overall contributions being £4,016,552m when CIL Neighbourhood Fund at 15% and CIL administration at 5% are added) plus the provision of land for, and the cost of construction of, the Oxon Link Road, and the provision of land for a new community centre/facilities, if required. Land is also being made available for the improvement of the A5 Churncote Island junction. The infrastructure cost figure is made up of:

Contribution to Local Road Network	£200,000
Subsidy to Local Bus Service	£1,000,000
Additional school places	£1,463,501
On-site play facilities and maintenance	£250,000
Supplementary green infrastructure enhancements	£50,000
Community centre/facilities	£400,000 (plus land, if required)
<b>Total</b>	<b>£3,363,501</b>

These figures are draft pending final negotiations. The infrastructure contributions will be provided through a combination of CIL payments, S106 Agreement payment, S278 highway works and land (where this is being provided for additional community/recreation facilities at the request of the Council rather than as an 'on-site design' requirement - amenity open space and natural/semi-natural open space provided as part of the development's 'on-site design' requirements, and the costs of their management/maintenance, are separate and additional).

Based on these provisional figures, the value of the contribution from the development of the current application site at Churncote is £1,592,546m plus that part of the land for the Oxon Link Road adjoining the site and a proportionate share of the costs of the construction of the Link Road and potentially land for a community centre/facilities, if required (although it is anticipated that any such provision would be linked with the existing local centre/facilities at the eastern end of the SUE). The contribution from the application development is calculated on the basis of the current CIL liability and the application site constituting approximately 39% of the overall housing planned for the SUE and is agreed in principle with the applicants. Officers confirm that these contributions are in accordance with the Council's agreed approach to ensuring that adequate funding is secured for infrastructure provision from major housing developments in Shrewsbury, and as agreed to be necessary to address identified impacts of the development as part of the Shrewsbury West Sustainable Urban Extension as a whole and to meet the tests set out in Regulation 122 of the CIL Regulations.

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



As part of negotiating the overall package of developer contributions, consideration has also been given to the appropriate affordable housing contribution. At the time that negotiations were commencing, the affordable housing requirement was 13% for applications validated prior to 1st September 2013. After this date the current prevailing target rate was rising to 20% for this area, but it was agreed that, having regard to the strategic importance of the development, the overall infrastructure contributions including particularly the provision of land and funding for the construction of the proposed Oxon Link Road, and the cross-subsidy to delivering the employment elements of the Shrewsbury West SUE, 15% would be an appropriate affordable housing requirement for any applications validated between 1st September 2013 and 31st August 2018, subject to overage arrangements to reflect possible uplift in values for that period, with such overage clause to have effect notwithstanding any arrangement between the developers and the landowners to reflect an uplift over a period of time in the land price. From 1st September 2018, the affordable housing requirement would be the Council's prevailing target rate at that time.

In conclusion on planning policy matters with regard to the current application, the principle of development accords with the Council's adopted and emerging development plan documents and the adopted Shrewsbury West SUE Masterplan, and the proposals will make significant contributions to the identified housing, employment land and infrastructure requirements linked to the delivery of the Council's development strategy for Shrewsbury.

- 4.1.2 **SC Rights of Way:** Footpaths 7 and 9 Bicton and Footpath 8Y Shrewsbury, as shown on the attached plan, will be directly affected by the proposed development. The routes will need to be taken into consideration when processing this application and the applicants will need to contact the Outdoor Recreation's mapping team to discuss potential diversions/temporary closures of the routes so that the mapping of these public rights of way may be addressed before development commences.
- 4.1.3 **SC Drainage:** (combined comments – all comments available on the Council website): No objection is raised to the proposed development. The layout and volume of the extended pond is acceptable. However additional information will be required as part of the approval of reserved matters application to demonstrate the proposed maintenance regime for any sustainable drainage system proposed including details of who will take responsibility.

The indicative design is acceptable in principle. However the piped drainage network should be developed to include the finalised permeable areas, ground levels and subsequent attenuation volumes. If non-permeable surfacing is to be used on the driveways and parking areas and/or the driveways slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing onto the public highway. 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. It is also recommended that the applicant consider using sustainable drainage methods.

- 4.1.4 **SC Historic Environment:** No objection. The Desk-Based Heritage Assessment prepared by RPS Group, dated February 2013 which serves as an assessment of both archaeological, built heritage and other historic environment matters on the lands indicated on the site plan.

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

The Heritage Assessment provides a relatively thorough assessment of historic environment matters and is generally satisfactory at this stage.

- 4.1.5 **SC Tree and Woodland Amenity Protection Officer: (Further comments awaited).** The application seeks to develop an area of land off Welshpool Road. The application is an outline application to provide mixed residential housing (landscaping reserved) and employment / commercial development (all matters reserved).

There are a number of significant trees on or adjacent to the site and an arboricultural impact assessment has been submitted in support of the application.

The AIA has been prepared broadly in accordance with the recommendations of BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations.

As an initial part of the AIA the trees on and adjacent to the site (where potentially affected) have been assessed and categorised in terms of their current and potential amenity value and potential to contribute to the development. Whilst generally acceptable the categorisations allocated to the trees, the following points are raised.

3 trees identified as T3, T5 and T21 in the AIA have been identified as Veteran trees, however T3 and T5 have been categorised as B1 indicating a tree of moderated quality based on its arboricultural qualities. It is noted that the trees (T3 & 5) are referred to as category A3 trees in the text of the report but are shown as B1 in the schedule and on the plans.

Veteran Trees are substantial arboricultural assets and their retention and protection should be given a high priority in the sustainable development of land. The National Planning Policy Framework recognises the importance of Veteran Trees and notes that:-

*“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;”*

Clearly Veteran trees have a high value and status and, in my view category A3

would be more appropriate for trees T3 & T5, as this would indicate trees of high quality based on their cultural and conservation values. Veteran trees are specifically referred to in BS 5837 as examples of trees which are suitable for inclusion in category A3.

With consideration to the high retention value given to Veteran trees concerns are raised that the Root Protection Area allocated to trees T3, T5 & T21 have been capped at 707m (as is normal practice in BS 5837). This is contrary to the advice provided in "Veteran Trees a guide to good management" published by English Nature (now Natural England) which recommends that the RPA for a Veteran Tree should be based on the area of a circle 15 times the diameter of the stem, or 2 metres beyond the maximum extent of the canopy, whichever is greater and that this area should not be capped.

The above is of particular relevance to tree T21 which, under the current site layout, will have part of its (capped) RPA encroached upon by an internal site road and that there is a dwelling sited immediately adjacent to the RPA. It is Officer opinion that this would pose an unacceptable risk to the retention of T21 and does not accord with the recommendation in BS 5837 to take particular care during the design process to accommodate such trees in a setting that aids their long term retention.

It is recommended that the RPA for T21 be calculated in accordance with the recommendations given in "Veteran Trees a guide to good management " and the site layout be amended to accommodate this important tree.

The AIA identifies a further 5 trees T19, 20, 30, 37 & 43, where there will be some encroachment into the respective RPAs by driveways. The AIA considers that the use of no dig construction methods could be employed to ensure that damage to the root systems of the affected trees was minimised. No objection in principle is raised to this approach but would require that the applicant demonstrate that this type of construction was suitable, from an engineering perspective, for use in these locations and that it was not precluded because of ground conditions.

The AIA notes that in addition to the removal of 4 category U trees (T23, 24, 49 & 62) it would be necessary to remove a further 5 trees (T18, 22, 25, 31, & 58) category B & C. From my examination of the plans it would also appear that trees T 26, 27 & 44 are to be removed.

The AIA notes that the development has the potential to impact on 3 significant trees (T59, 60 & 61) these trees are to be located within the a green boulevard and although this would accommodate the RPAs allocated to the trees there is the potential for damaging the roots of these trees during the landscaping of this area. Can we have details of the proposed changes to the ground conditions that would arise from the creation of the green boulevard?

Concerns are also raised that no allowance has been given for the influence of ground conditions on the RPA of the trees on the boundary of the site adjacent to the highway. In particular trees T30, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 50, 50a, 51, 52, 53, 54, and 55. The effect of this would be that the RPA extended further into the development area than is shown and in a number of cases this would

conflict with the location of proposed structures. It is recommended that the constraint to the site from the RPAs is reassessed to take account of the ground conditions, as recommended in BS 5837 (2012) and the site layout amended to accommodate these trees.

With consideration to the above points it is considered that the trees indicated as being retained on the proposed development cannot be protected in accordance with the minimum standards recommended in BS 5837 (2012) and it is therefore considered that in its current layout the proposed development has the potential to cause significant damage to a number of trees which in turn would precipitate their loss, including the loss of a veteran tree. The loss of these natural features would have a significant and detrimental impact on the arboreal environment, the wider landscape and public amenity and thus would be contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and to paragraph 118 of the National Planning Policy Framework.

- 4.1.6 **SC Affordable Housing Officer:** It is acknowledged that the affordable housing provision will be provided at a rate of 15%. The provision of 45 affordable dwellings fractionally exceeds the Policy requirement and therefore is acceptable in principle.

Our previous comments remain in respect of requiring a greater number of 2 bed rented properties in lieu of 3 bed rented dwellings.

The tenure split accords with our Policy i.e. 70% rented and 30% low cost home ownership. There needs to be further dialogue with regard to low cost home ownership dwellings because the Private Shared Ownership/Shared Equity noted at 4.7 is unacceptable to the Council. It is suggested that the S106 Agreement should include the range of low cost home ownership tenures outlined in Appendix G of the Type and Affordability of Housing SPD, thereby enabling flexibility. We would also agree subsequent to any consent details in relation to the affordable housing plots together with the related tenures.

- 4.1.7 **SC Waste Management:** It is vital that new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (ie vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. The developer is advised to look at the guidance that waste management have produced, which gives examples of best practice.

- 4.1.8 **SC Ecology** (combined comments – all comments available on the Council website. Further comments awaited):

**Trees and hedgerows**

As set out in the 26<sup>th</sup> March 2014 comments, the concerns remain about the loss of mature trees in the proposed layout, which does not appear to have been addressed. The tree and hedge line to the east of Westside House (containing T22 – T26 on the Tree Retention and Removal Plan) is shown for removal. This feature is shown for retention on the Illustrative Masterplan within the Shrewsbury West



Masterplan Document Adopted by Shropshire Council December 2013. It is noted that these trees are recommended for removal on arboricultural grounds. If there is no alternative to their removal, they should be replaced. The layout indicates small tree planting along 'The Avenue', however there is not space allowed for these to grow to an equivalent size.

It is recommended that the housing layout is revised in the vicinity of this tree line so that preferably the tree and hedgeline should be retained as a feature, or if good reasons exist for removal, that replacement trees are provided with space to achieve an equivalent size. The advice of the Tree Officer should be taken on this.

### **Bats**

As stated in the 26<sup>th</sup> March memo the RPS Bat Survey (2013) confirmed Tree 20 as a summer roost by small number of non-breeding common pipistrelle bats. Tree 20 is shown for retention in the layout, however the other trees in this line (T22, T25 and T26) are shown for removal. As commented above, it is recommended that this hedge and tree line is retained as an important link for the bats using the tree roost.

Artificial lighting in the final development should avoid illumination of the retained hedges and mature trees, by the use of sensitive lighting positions, type and design. Bat boxes are recommended. The following condition is recommended:

With the loss of mature trees that would in time provide potential bat roosts, it will be important to provide replacement bat roosts in the development and a condition requiring details is recommended.

### **Badgers**

No signs of badger were found by RPS (2013) on the application site, although the 2011 Habitat Survey found a sett present close to the Oxon Park and Ride. As badger can range over a wide area and establish new setts, RPS recommends a walkover survey prior to development.

### **Nesting birds**

The hedgerows and trees have high potential to support nesting birds.

### **Public Open Space and Great Crested Newts**

A Proposed Habitats plan has been submitted showing a habitat creation area for grassland south of Calcott Cottage. I note that part of this is annotated as *great crested newt mitigation area*, however the GCN survey contained within the July 2012 report had a negative result and I have not been made aware that there is a GCN issue with this site. There may be a requirement for conditions on GCN as well as the informative I recommended previously.

A condition is recommended to require details of the management of the area north of the new road and other public open space in the development area. If appropriate this should be secured through a Section 106 agreement.

**Noise**

Having reviewed the environmental noise assessment report number 12625B-1 I had certain concerns with the data presented. As a result discussions with the consultant have taken place and an updated noise report has been submitted and forwarded on to the planning case officer. The new report is titled Environmental Noise Assessment Report No 12625B-1 R1 dated 12<sup>th</sup> August 2014.

This report has now been reviewed and the data found to be acceptable. Appendix I: Glazing mark-up plan residential shows what glazing specification is required to achieve suitable noise levels inside dwellings. It also shows the location of a proposed close boarded fence with minimum density of 10kg/m<sup>2</sup>. As a result of the proposed mitigation measures it is recommended that a condition ensuring its implementation is placed on this application:

It is noted that a public house is proposed on site. Noise considerations are required including positioning of external areas, beer gardens and smoking areas, function rooms or rooms where music may be played. As a result I would recommend that at Reserved Matters stage noise is considered when designing the layout of the public house in order to ensure that it can operate as required in future. Without such consideration times of opening and music may be restricted through any premise license and restrictions to times of operation may be placed as a planning condition which takes precedent over any future premise license granted.

**Air Quality**

With regard to the air quality assessment submitted with this application, Project number JAP 7169 prepared by RPS dated 21st August 2013, it is noted that conclusions have been made predicting that there will be negligible increases of pollutants of concern due to the development when complete. As a result no mitigation is required. Officers confirm their agreement with this statement and therefore no air quality mitigation will be required for end use properties.

However, the report concludes that during construction it is recommended that medium dust impact risk measures are implemented in line with those measures set out in the IAQM dust and air emissions mitigation measures document. As a result should this application be granted permission it is recommended that conditions be imposed as supplied.

**Land contamination**

Officers have re-considered whether there is any need for contaminated land conditions on this site. Previously this service was not of the opinion that any contaminated land assessment was required. However, as it is proposed to demolish an area that has historical land use as a haulage depot and build houses on this area there is a small part of the area which has the potential to be contaminated. As a result it is recommended that a contaminated land condition is placed on an approval to apply to the area previously used as a haulage depot only.

- 4.1.10 **SC Highways:** No objections but recommend conditions are included on any planning permission that may be granted

**Key Issues:-**

- The relationship between the proposed development layout and the planned Oxon Link Road.
- The suitability of the surrounding road network to accommodate the traffic associated with the proposed level of development.
- The design of the proposed residential streets and the site layout within the context of the SUE and the encouragement of more sustainable travel through good design.

As this site is within the Shrewsbury West SUE area this application follows extensive pre-application discussions with the local planning and highway authorities by the applicant's agent RPS. However given the complexities of the wider site and proposed delivery of a link road partly funded by the development, extensive discussions have taken place between RPS and the local highway authority in order to deal with design considerations to ensure that both the residential development and link road are deliverable together. In particular detailed discussions have taken place regarding the details of the level design for both the proposed residential site drainage and for the link road, which has resulted in both parties making design changes to accommodate the delivery of a layout in accordance with the SUE masterplan.

For clarity, the delivery of the proposed link road and footbridge is not under consideration within this application but clearly there is a need to ensure that any adjacent development does not prejudice or restrict its delivery. If approved, this development will be required to provide a financial contribution via a s106 agreement towards the cost of constructing the link road as will any other residential development within the SUE site.

Officers are now satisfied that both the proposed residential development (and associated open space) and the link road can now be satisfactorily delivered within the areas shown on the supplied updated application drawings. Also, negotiations have taken place with the applicant that the proposed site drainage attenuation features can be constructed with the required capacity to accommodate draining the adjacent sections of link road which will minimise disturbance of the open space when the road is constructed. Furthermore, following the design changes carried out the proposed drainage features have been designed to be shallow to ensure they integrate well with the open space to enhance amenity and ecology value. Due to their shallow depth, these features will also be safe by design and will only be filled to shallow depth during heavy periods of rain.

A further point of discussion has been surrounding the mitigation of the impacts of noise from the planned link road on the residential development, which has been explored by the supplied Noise Impact Assessment. Some measures are required by the developer to mitigate against this, which will include a number of specification changes to the affected dwellings near to the proposed alignment of the road. A condition is recommended for the implementation of the required noise mitigation measures to prevent disturbance to future residents and to protect the local highway authority from potential claims arising from residents following the construction of the link road.

During the development of the SUE masterplan investigations were carried out to

establish an approximate level of development that could be delivered within the existing road infrastructure off Welshpool in advance of, or without the proposed link road and a figure of around 400 residential units was set out in the adopted masterplan. This development set out to deliver a large proportion of this quantum plus some of the areas of allocated employment land and in accordance with national planning guidelines a transport assessment has been provided with the application to assess the nearby network. The main points of assessment have been at Churncote Roundabout (Highways Agency network no objection following investigations) and the main site access on to Welshpool Road and the subsequent junctions to the east of the site at Redwood Park Roundabout and the two signalised junctions at Shelton Road and The Mount. The assessment demonstrates that the additional traffic generated from this proposed development can be accommodated within the existing network without exceeding capacity at the junctions tested.

The proposed access road for the residential development is located mid-way between Calcott Lane and Shepherds Lane and has been laid out so that it can connect Welshpool Road and the link road, in order to facilitate the severance of the Welshpool Road to the A5 in accordance with the masterplan layout. This layout will provide the development with good vehicular access to both the A5/A458 trunk roads and to the Shrewsbury local road network. A ghost island right turn lane junction is proposed onto Welshpool Road which will provide an appropriate access both before and after the construction of the link road.

The development has been laid out to connect well with the existing surrounding walking infrastructure, with a good level of permeability within the site and to Welshpool Road for pedestrians. The internal road network has been designed around Manual for Streets principles which incorporates a good level of direct frontage and features to control vehicle speeds around the site.

A number of dwellings are proposed to access directly on to Shepherds Lane, which is due to be severed as part of the link road scheme so vehicle movements along this route should reduce considerably in future. However the design proposed for these accesses is considered to be appropriate both in the existing and future context of the site.

- 4.1.11 **SC Parks and Greenspace:** From the outline drawing PO2 for the above development the minimum POS requirement based on the current open space IPG for 1000 bed spaces would be 30,000m<sup>2</sup>/3ha. There is no indication within the application that identifies the amount of POS provided. NB the applicants have subsequently confirmed that the total public open space provision considerably exceeds this amount.
- 4.1.12 **Bicton Parish Council:** Objection on the following grounds:-
- 1, 3 storey houses are unsuitable for this area.
  - 2, The extra traffic on Welshpool road will be problematic.
  - 3, The one play area is not enough. It is too close to the swales and too close to the Oxon Relief Road for safety and security.
  - 4, Bungalows are much in demand in this area. This development has no bungalows.
  - 5, There is no provision for accommodation for the disabled.

6, Drainage, there has been a permanent pool, on this site, for 2 years. This is a flood risk area. This proposed development will increase the flood risk to existing properties and blight sales of those properties.

7, Construction traffic must not be allowed to use the existing lanes. Access must be directly from the main road.

All of the above objections were raised when the application first went in. RPS promised that they would consult and then amend the plans accordingly. The consultation process was most unsatisfactory. Local residents were not informed of the process, or the date, as was promised. Such people as did manage to attend found that there was no one informed enough to answer their questions. RPS promised to run the consultation again. This amounted to a very small display in the corner of the entrance lobby of the CO-OP supermarket in Bicton Heath, un-manned!

A proper review of the plans, taking in to account comments received, is needed; and then the plans should be submitted again.

Two of the biggest concerns that have not been addressed in the 'revised' plans are, 1, play areas; there are not enough of them, the one proposed is badly sited and represents a danger of abduction to children using it because of its proximity to the Oxon Relief Road. 2, Traffic access on to the Welshpool Road. To put all this development's traffic on to the Welshpool Road will cause congestion.

4.1.13 **Shropshire Wildlife Trust:** Objects – the proposal will effectively sever the existing environmental network within the area enclosed by the ring road. The potential public open space or green infrastructure is not satisfactory.

4.1.14 **Highways Agency:** (final comments – all comments available on the Council website):

No objection.

The Highways Agency has agreed with RPS that the impact of the development on the northern A5 arm of the junction is of primary concern. The available VISSIM model of the junction showed queues of 430 m in the morning 2015 peak hour increasing to 655 m with development traffic added on this arm. Queuing in the evening peak was comparatively negligible. However, the ARCADY model submitted by RPS did not reflect this situation showing negligible levels of queuing in both the base and base plus development morning peak scenarios. The results of a queue survey commissioned by RPS provided no further clarity in the interpretation of the model outputs showing an average queue of some 72 m in the morning peak with a worst case queue of 121m n the north A5 arm.

In the absence of a model which both the Highways agency and RPS agree on the interpretation of the outputs, RPS has developed an updated and calibrated ARCADY model. The review of the information provided indicates that A5/A483 junction is operating at its design capacity in the northern arm during the morning peak. The development worsens this situation. It is acknowledged that the modelling is incomplete and that only an AM peak hour assessment has been provided for the opening year. No future year assessment has been provided. The model has only been calibrated on the northern A5 arm and not on any others. It is not possible therefore to comment on the impact on the remaining arms on the same basis as the northern arm.



It is recognised that the roundabout despite recent improvements is operating close to its design capacity and that improvements will be needed in future on account of potential new developments in the local area adding traffic to the roundabout.

As RPS are aware the Highways Agency and Shropshire council have developed a protocol in place to move forward on planning contributions to mitigate impacts on the A5 trunk road based on the impacts from specific developments. The information provided thus far, although incomplete, indicates that the development would have a detrimental impact on the roundabout on the northern arm.

The Highways Agency recognises that the A5/A458 Churncote Island junction is planned to be improved in association with the construction of the proposed Oxon Link Road with this road forming part of, and being funded through, the development of the SWSUE. The junction improvement will enable the junction to accommodate increased traffic flows generated by the development of the SUE, including the current application site 14/00246/OUT on land at Churncote.

The Highways Agency is aware that the Shropshire Council has been offered LEP funding, subject to detailed business case approval, for the junction improvements and that developer contributions towards the cost of the Oxon Link Road are being secured through legal agreements linked to the grant of planning consents for the development of the SUE starting with the current application and that there is therefore a strong likelihood of the improvements required being implemented in the next few years.

Nonetheless, it is necessary to ensure that the impacts of this (and any subsequent) development are addressed in the event of the Oxon Link Road and associated junction improvements not progressing. The impacts of the development have been assessed and this indicates the need for some mitigation works in relation to the northern arm of the roundabout, in particular. The Highways Agency would not wish abortive work to be carried out pending the planned junction improvement. It is therefore recommended that permission for the development is conditional on, and subject to, legal agreement to ensure that funding is provided to enable the required mitigation works to be carried out in the event of the planned junction improvement not being completed within the next 10 years. On this basis the Agency is prepared to lift the Holding Direction relating to the current application.

4.1.15 **Environment Agency:** (final comments – all comments available on the Council website):

**Groundwater and Contaminated Land:**

The proposed site is situated on Bridgnorth Sandstone Formation (Sandstone undifferentiated) which is a principal aquifer. This is overlain by till and fluvioglacial deposits (sands and gravels) which are a secondary aquifer.

The site is within Source Protection Zone (SPZ) 3 of a public water supply groundwater pumping station.

For completeness, the Geo-environmental Assessment Report, dated November

2012 (Ref. 12133/1) refers to the Kinnerton Sandstone Formation as a Secondary B aquifer, however this is classified as a Principal Aquifer.

**Haulage Depot:**

Within the pre-application response reference was made to an existing haulage depot to the east of Calcott Lane. It is noted that the Geo-environmental Assessment Report confirms that further investigation and possibly remediation will be required in the transport depot and potentially the areas of the infilled ponds. Upon receipt of the additional information, as outlined above, it is likely that conditions could be recommended to secure the further site investigation as outlined within the Report.

**Flood Risk:**

Based on the '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 drainage design. Please refer to the West Area 'Planning – FRA Guidance Note 1' for further information.

**Foul Drainage:**

No objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

**Pollution Prevention:**

Developers should incorporate pollution prevention measures to protect ground and surface water. There are a range of guidance notes giving advice on statutory responsibilities and good environmental practice which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

**Export & Import of wastes at site:**

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

In terms of the additional surface water drainage information, given the scale and nature of the proposal (non EIA development within Flood Zone 1) no bespoke comments are provided in relation to flood risk. Please refer to the local Flood Risk Standing Advice Guidance note 1 - development over 1ha within Flood Zone 1, for consideration in consultation with your Flood and Water Management Team (as the Lead Local Flood Authority). Conditions for inclusion on any planning permission that may be granted have been suggested in the response dated 19<sup>th</sup> May 2014.

Based on the additional information submitted, we are now in a position to remove our standing objection and provide the following comments. We note that the

applicants have revised the development proposals, including the removal of the proposed Petrol Filling Station. Within our previous we noted that the Geo-environmental Assessment Report, dated November 2012 (Ref. 12133/1) confirms that further investigation and possibly remediation will be required in the existing transport depot area on site and potentially the areas of the infilled ponds.

- 4.1.16 **Shrewsbury Town Council:** Shrewsbury Town Council has been consulted on the principle of development of this area through not only the Core Strategy, but also the Shrewsbury West Master Plan and the Site Allocations of Management of Development consultations and on the latter we carried out our own meetings to garner public opinion. The Town Council supports the principle of a mixed-use urban extension for Shrewsbury in this location.

Were this to have been a routine outline application (redline round the development site and a means of access), the Town Council would have likely raised no objections. This application is somewhat unique in that all matters are included; the only reserve being landscaping. We have therefore considered this in the same way we would a full application.

Members are conscious of the fact that this development straddles the parish boundaries of Shrewsbury and Bicton with the lion's share of development including all recreation and open space falls within Bicton Parish Council. We have considered the whole site in the context of an urban extension of Shrewsbury and should in no way be seen as the Town Council enforcing a level of development on our neighbouring parish council.

Access - Members wish to be assured that this development site and its associated traffic shall not have an adverse impact on both the local road network and internal ring-road and the A5 outer ring-road. Members are mindful of the cumulative impact of developments particularly since there are a number of large scale developments within walking distance of this site. There are certain roads, namely Racecourse Lane which has the propensity to become unacceptable rat-runs for the neighbouring communities and it is hoped that CIL will be used to mitigate against such an effect.

Internal Road Layout - Members fail to see the need for the number of accesses/egresses onto both Shepherds Lane and Calcott Lane. Whilst they are designed to be personal accesses/egresses for a number of properties, there is potential for those to become rat-runs to avoid any backup from the main access onto the site off Welshpool Road. These multiple accesses will not only have an adverse impact on the street scenes of these two roads which retain a rural feel, but will also suffer from loss of hedgerow, tree-stock and the resultant loss of natural habitat. Members therefore wish to see the number of accesses from both Lanes reduced.

Density and Form - Whilst it is acknowledged that that this development site is an urban extension, such density is accepted in the heart of the urban area, but not on the outskirts. Members would wish to see the density of this site reduced to reflect the rural nature of the surrounding area.

Sustainability - It is quite clear that this site is likely to generate a reliance on the



car, but members are concerned about the lack of thought in encouraging walking and cycling and more specifically the provisions of safer routes to school for both the neighbouring primary schools and the current catchment area for the secondary school. Members need to be assured that children who might not necessarily be transported to school by car, remain safe.

Open Space & Play - Accepting that these areas do not fall within the town boundary, members make comment by virtue of the Town Council being the principle provider of recreational open space and play in the area. Members are concerned that the layout of open space has been an afterthought and based more on the fact that there is a requirement to create a buffer between any properties and the proposed link road. Members question the value of the open space to local residents. At meetings with the developer, members expressed their concern about the location of the play area and whilst we are aware of the distance a play area should be from neighbouring properties, play areas should be designed so that parents can have the reassurance of letting their children play safely; members feel this is not the case. Members also question the purpose of the boulevard area. Whilst clearly creating an attractive entrance that will help sell a lifestyle, this will create open space with no recreational amenity value to the local residents.

Recreational Space beyond the Link Road - Members fail to understand how this area of the development site will integrate with the rest of the site. Open space is only valuable when it is easily accessible, well used and overlooked so that the community polices the appropriate use on site. This will never happen on this area.

Conclusion - Whilst members have no objection to the principle of development, they feel unable to support this application as it stands, therefore these comments should be taken as formal OBJECTION to the application.

4.2 **Public Comments** – This application has been the subject of a substantial amount of public comment (60 plus representations) which are primarily in objection to the proposed development. The comments made therein are summarised in categories below.

4.2.1 Policy

- The proposal is contrary to the NPPF as it is not sustainable and it does not plan positively for the provision of shared and community facilities.
- The proposal is not viable.
- No public consultation has been carried out by the developers as required by the Localism Act.
- This application must not be considered in isolation. There are others in this area which when combined will have an unacceptable impact.
- No Neighbourhood Plan has been produced by the Council for this area which is in contravention of the NPPF.
- The Masterplan does not represent the view of the local community.
- A previous application for the commercial development of the land close to the Churncote Island was refused in 1992 for similar development.
- No evidence has been provided to support the claims that this level of housing is required in this area.

- The proposed development will not be economically or environmentally sustainable.
- The infrastructure in the area could not cope with the proposed scale of development.
- Mains Gas and better internet access should be provided as part of the development for the neighbouring area.
- The money would be better used renovating existing empty properties within Shrewsbury.
- There are better alternative sites which already have the infrastructure in place.

#### Location

- Location is not appropriate
- Development should be focussed to infill in the town where pre-existing services are underused.

#### Impact on Character and Other Commercial Uses

- The provision of hotel, petrol station and car showroom is not in keeping with the rural location.
- The construction of the new business premises will have a detrimental impact on existing small concerns in the area.
- There is no demonstrable need for a further petrol station given the close proximity of others.
- No documented evidence has been provided to show that this will add to the quality of the area.
- There is no need for another hotel in this area.

#### Highways

- The Oxon Link Road should be replaced by a cycling/walking route which would benefit the community and leave the option for the road available in the future.
- The link road appears to be planned to connect to Battlefield Business Park. The cost of this is huge with little benefit.
- It will cause congestion at the Harlescote/Battlefield End of the road.
- The link road is potentially part of the North West Relief Road that was shelved in 2010 and is contrary to the NPPF.
- The link road is being constructed at the expense of affordable housing.
- The development will affect the volume and congestion of traffic to an unsafe level.
- Access onto the A458 for both pedestrian and disabled residents would be adversely affected.
- There should be no access off Shepherds Lane to the site.
- Shepherds Lane and Calcott Lane will not be able to cope with the increased traffic volume. At least until the new link road is built traffic calming measures should be put in place.
- Accesses onto Shepherds Lane will be dangerous to vehicles and pedestrian. It will create a rat-run and destroy hedgerows.
- Works are required to Racecourse Lane to stop it from being increasingly used as a shortcut by non-residents.

- A Construction Method Statement should be provided to prevent construction vehicles from accessing the site from Calcott and Shepherds Lane.
- Insufficient parking space has been provided on the site and will lead to congested access roads with cars obstructing pavements.
- The main access should be moved so that it connects with Gains Park Way.

#### Drainage

- The land is liable to flooding
- The Green Boulevard should be designed to accommodate the current flood waters.
- Insufficient information regarding the proposed drainage of the site and the impact this will have on neighbouring properties.

#### Ecology/Landscaping

- An EIA should be provided as was the case with another nearby application.
- No landscaping between the development and existing dwellings has been shown on the submitted plans.
- It is a greenspace for Wildlife and recreation purposes
- The hedge along the boundary with Shepherds Lane has not been identified on the submitted plans. If it is removed it will have a detrimental impact on the character of the area.
- The development will affect a natural pond which is rich with wildlife.
- All the hedgerows and trees must be protected.
- Little new planting has been proposed.
- The Ecological Surveys have not been undertaken in the correct places or at the right time of year.
- The Oxon Relief Road will not be to a sufficient standard and there will be insufficient provision for hard landscaping and planting to provide visual and acoustic screening.

#### Design and Scale

- The development is overbearing in its design and appearance and nature.
- Very little open space and amenity areas.
- The development will result in a loss of open space which people use for recreational purposes.
- The buffer zone and green space would be better located bordering Shepherds Lane and Calcott Lane.
- The heights and types of new dwellings will be overbearing on existing dwellings.
- The design and scale does not reflect that of the surrounding area.
- The inclusion of three storey dwellings within the site is inappropriate and out of keeping with the local vernacular.
- The sizes of the dwellings and plots are too small to provide appropriate standards for families.
- The mix of housing does not allow for an ageing population.

#### Residential Amenity

- The proximity of some of the 2.5 storey houses to existing dwellings will cause a loss of privacy to adjacent lower dwellings.
- The new dwellings facing towards Shepherds Lane will cause a loss of privacy and natural light.
- Has sufficient play area space for children been provided and for adults to walk and take exercise.
- The areas that are for public open space are too close to the link road and too close to the swales to be safe for children to use.

#### Pollution

- A development in this area will increase the noise, air pollution and light pollution in the area.

#### Other Matters

- The lack of consultation is not acceptable and no decision should be made until this is rectified.
- A Health Impact Assessment should have been provided to ensure sufficient facilities are provided
- New medical facilities are required for the area and should be in place before planning permission is granted for development.
- Errors have been made regarding education facilities in the area in the Design and Access Statement
- Evidence of no further education facilities being required in this area is needed.
- A new school is required in this area before planning permission is granted for any further house building in the area
- Schools have already closed in the town reducing the availability of school places.
- There is no demonstrated separation between the council as Landowner and as the Local Planning and Highways Authority and that the application is to the benefit of the Council.
- No provision has been made to take into account the opinions of children.
- As part of the land covered by the SWSUE is owned by the Council, it is not possible for the Council to impartially carry out its profession duty and role.
- CIL should not be used for the Link Road proposal.
- The development will cause problems for existing homeowners in the area to sell their properties.

## 5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology

- Drainage
- Other considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & Principle of Development

6.1.1 The Core Strategy Development Plan Document (adopted 24<sup>th</sup> Feb 2014) is the principal document of the Shropshire Local Development Framework (LDF). The LDF is a set of documents setting out policies relating to the use and development of land in Shropshire. The Core Strategy sets out the Council's vision, strategic objectives and the broad spatial strategy to guide future development and growth in Shropshire during the period to 2026. It is the starting point for the determination of planning applications and will be supported in due course by other documents relating to the allocation of land and more detailed development management policies (SAMDev submission to the Department for Communities and Local Government at the end of July 2014). The policy considerations in respect of this proposal are set out in some detail in the comments of the SC Planning Policy team above (para 4.1.1)

6.1.2 Policies CS1 and CS2 of the adopted Core Strategy set out the relevant issues relating to development of the nature and scale proposed. Policy CS1 identifies Shrewsbury as a sub-regional centre and Shropshire's main growth point. It confirms that Shrewsbury will be the focus for significant retail, office and employment development, and accommodate approximately 25% of Shropshire's residential development over the plan period.

6.1.3 Policy CS2 specifies that Shrewsbury's priorities for the allocation/release of land for development will be:

- Making best use of previously developed land and buildings for housing and other uses within the built up area, especially sites contributing to the enhancement of the town centre, the redevelopment of edge-of-centre areas, and the regeneration of the Shrewsbury Northern Corridor;
- Bringing forward, on a phased and planned basis, two sustainable urban extensions providing 25% of Shrewsbury's housing growth and 50% of its employment growth including Shrewsbury West – land at Bicton Heath and off Welshpool Road as illustrated on the Key Diagram, to incorporate major housing development (approximately 700 dwellings to the north of Welshpool Road), additional employment land (approximately 9-12 hectares), the provision of a new link road connecting Churncote Island on the A5 to Holyhead Road, enhancement of Park and Ride facilities and other sustainable transport improvements, scope for additional health and care facility development, and the provision of new community facilities.

6.1.4 It is clear from the above that the proposed development is in accordance with the principles of the development strategy for Shropshire as set out within the Core Strategy. The policies within the Core Strategy are clearly intended to promote sustainable development and are consistent with the significant presumption in favour of sustainable development as set out within the National Planning Policy Framework (NPPF) as a whole. In addition the proposed development is in accordance with the terms of the Councils adopted masterplan for the SUE as a whole (adopted Dec 2013). Officers consider that having gone through extensive consultation and adoption procedures the policies as set out within the Core



Strategy and the masterplan are the primary policy considerations in respect of the determination of this application and that these policies strongly support the principle of development of the application site.

6.1.5 Given all of the above it is evident that the delivery of the SUE is of major importance in the Councils strategic approach to development delivery across the County during the LDF plan period (2026). This development is considered to be sustainable in terms of its location and will bring with it significant social and economic benefits which must be afforded considerable weight when assessing the overall planning balance as indicated within the NPPF. Even as the first phase of the overall SUE delivery the current proposal is, in itself, likely to take several years to deliver. Subject therefore to the assessment of all other material considerations including the detail of the proposal and the implications for interests of acknowledged importance the development is considered to be acceptable. The other considerations are set out below.

## 6.2 **Design, Scale and Character**

6.2.1 Policy CS6 of the Shropshire Core Strategy - 'Sustainable Design and Development Principles' - requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design, taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 The residential element of the proposed development is presented with significant detail notwithstanding the fact that it is an outline application. Only landscaping is reserved for later approval. The proposal is large enough to create its own sense of 'place' and its own identity but nevertheless it has been designed to pay respect to the nature of adjoining development. For instance it is proposed that those properties at the eastern end of the proposed development adjacent to Shepherds Lane are the larger, less dense, detached properties that better reflect the character of the existing properties on the opposite side of the lane.

6.2.3 The heart of the main body of the proposed residential development will be dominated by a large green boulevard presented behind a large roundabout on the main roadway through the development running north to south. This road will serve as the main spine for the development with a number of spurs emerging from it to both east and west. It is intended that this spine road will serve as the main link between Welshpool Road and the proposed link road to the north, in due course. In doing so it will remove traffic from both Calcott Lane to the west and Shepherds Lane to the east. The central boulevard, which will be a very significant feature within the development will follow the line of, and allow the retention of, a line of mature trees that form a significant element of the site as it is today.

6.2.4 The proposed development will provide for a total of twenty-six different house types (including the affordable dwellings). The majority will be two-storey in height though it will include some 2.5 storey dwellings with accommodation in the roof-space. The property types will include terraced (maximum of four units), semi-

detached and detached dwellings. All units will have a minimum of one off-street parking space with the vast majority of units having two or more. A selection of house types and street scenes will be presented to Committee at the meeting.

6.2.5 The applicants have indicated that the proposed dwellings will be constructed primarily in red brick (mixed) but with some brown/tan brick for features and feature buildings. The overall scheme will include some render panels as well as some fully rendered properties. Roofs will be in a mixture of red/terracotta and blue/grey tiles.

6.2.6 The proposed commercial element of the application is not as fully worked up as the residential scheme and is in outline form only with all matters other than access reserved for later approval. Access would be directly off Welshpool Road to both parts of the proposed commercial uses i.e. north and south of the highway. The application originally included a petrol filling station but this has subsequently been deleted during consideration of the application.

6.2.7 The siting of commercial uses such as those proposed on the edge of settlements adjacent to major highways and transport links is a well-established principle and a common feature of many towns and cities. It usually provides a less dense form of development on the edge of settlements than would be the case for residential development. Subject to the finer detail which would be the subject of further applications, the siting scale and nature of the uses proposed is considered to be acceptable.

### 6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 The proposed development does not immediately adjoin any surrounding properties (other than Westwood House/Bungalow referred to above) as there are highways in between it and other dwellings. The proposed dwellings that will front on to Welshpool Road and Shepherds Lane will have private drives between them and the roads, such that the separation distances from existing properties will be more than adequate. All of the proposed properties immediately surrounding Westside House and Westside Bungalow are designed with their rear gardens backing on to the common boundary thereby maximising the distance between dwellings and minimising the impact on privacy.

6.3.3 The proposed development will initially increase traffic levels on Shepherds Lane and Calcott Lane particularly at their southern ends and therefore there will be some impact on existing dwellings served by these properties. The implications for these lanes has however been assessed by the Council's highways development control team and they are satisfied that the impact will not be significant. Furthermore it is intended that upon development of the link road to the north, both Calcott Lane and Shepherd Lane will be blocked off thereby reducing the amount of through traffic in the long term. The highway implications as a whole are considered in more detail below.

6.3.4 It is acknowledged that the residential element of the development as proposed is in a more dense form than is currently the case for immediately surrounding

developments. It should however be noted that that there are substantial elements of the development at Gains Park that are comparable to the densities proposed. Furthermore there is a significant drive towards maximising the use of developable land whilst still ensuring adequate levels of residential amenity for both existing and intended occupiers. It is officer's opinion that the development as proposed will achieve this balance. It is not considered that there will be any significant adverse impact on the residential amenity of residents.

## 6.4 Highways

6.4.1 As can be seen from the comments of Highway Officers as set out in detail at paragraph 4.1.10 of this report, a number of highway and traffic related issues have required detailed consideration as part of this application and these have resulted in some amendment to the proposal. There is also a clear and significant level of concern from the local population about the highway implications of the proposals. Furthermore the Highways Agency have been involved as part of the necessity to consider and assess the implications of proposed development for Churncote Island and the strategic road network.

6.4.2 As can be seen from the comments of Highway Officers as set out in detail at paragraph 4.1.10 of this report, a number of highway and traffic related issues have required detailed consideration as part of this application and these have resulted in some amendment to the proposal. There is also a clear and significant level of concern from the local population about the highway implications of the proposals. Furthermore the Highways Agency have been involved as part of the necessity to consider and assess the implications of proposed development for Churncote Island and the strategic road network

6.4.3 Whilst the proposed development will inevitably have some impact on the local highway network, in order for this to prejudice the presumption in favour of sustainable development there would need to be clear and demonstrable harm to the safety of highway users. Based on assessment of the proposed new highway junctions and the potential traffic movements associated with new residential development (which also informed the master planning process for the SUE) officers are fully satisfied that this will not be the case, certainly until approximately 400 dwellings are completed and occupied. Therefore whilst the current proposal would deliver a significant proportion of the 'limit' it will not exceed it and will in any case take several years to deliver.

6.4.4 Whilst the Highways Agency have identified through assessment of appropriate traffic modelling with the applicants that there will be some adverse impact on the traffic movements at Churncote Island. This is however recognised as only being in the short term and can in any case be mitigated in the event of the link road not being delivered.

6.4.5 In a similar vein it is acknowledged that there will also be some increased traffic along both Calcott Lane and Shepherds Lane as a result of the proposed development. It should however be recognised that for the vast majority of the site the easiest and most obvious way onto the wider highway network will be via Welshpool Road. It will only be those wishing to approach from, or leave in, a northerly direction and avoid the main highway network that might use these routes and as such it is unlikely to be significant. Once again this impact is only likely to be



generated for the short term unless the link road is not delivered.

## 6.5 **Impact on Trees**

6.5.1 In their initial comments concern has been expressed by the Councils arboricultural advisors about the implications for some veteran trees that are of considerable importance (paragraph 4.1.5 above). Further information has been submitted by the applicants and their own advisors and the further views of the Councils experts will be reported at the meeting.

6.5.2 Should it not prove possible to satisfy the Councils Tree officer that no significant adverse impact to veteran trees will arise as a result of the development then the potential loss of some veteran trees will need to form part of the overall planning balance. Clearly veteran trees are recognised as substantial assets within the NPPF and their removal should not be sanctioned unless the overall benefits from the development clearly outweigh the loss.

## 6.6 **Ecology**

6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist.

6.6.2 Both Shropshire Wildlife Trust (SWT) and the Councils Ecologist have raised some concern in respect of the proposed development and its implications for the natural environment. Part of the concerns expressed by SWT relate to the designation of the SUE and the principle of development in this location. As previously expressed within this report the adoption of the Core Strategy and the masterplan for the SUE have in themselves been subject to extensive consultation (including with SWT) and have effectively established the principle of development in this location.

6.6.3 It is acknowledged that the proposal as submitted involves the loss of a number of trees and some sections of hedgerow that it would be preferable to keep if possible. However following a significant amount of discussion with the applicants and their advisors about these items it has been accepted that their removal would be in the best interests of the ordered development of the site as a whole.

6.6.4 In actual fact for an application site of the size currently before Members the amount of ecological implications arising from the development are not that significant as evidenced by the comments made by the Councils Ecologist above. Whilst there may be some harm as referenced above, significant trees and hedgerows are being retained where possible, there is the potential for wildlife habitat improvements within the site, and in particular the public open space as part of a landscaping scheme to be agreed, and negative the overall impact needs to be also considered against the overall benefits of the scheme including social and economic benefits.

6.6.5 The further comments of the Council ecologist are awaited following the submission of further justification and information from the applicants. These will be reported at the meeting. Planning officers are however satisfied that the applicants have demonstrated that while there will be an impact on the natural environment, mitigation can be put in place which will largely overcome the negative impacts of

the proposal. This would be in the form of additional planting of significant trees in suitable locations and works to improve and enhance the area, particularly public spaces, to better accommodate protected species.

## 6.7 **Drainage**

6.7.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. Therefore the application and the supporting drainage information have been considered by both the Environment Agency and the Council's Drainage Engineer who made the comments as set out in paragraph 4.1.3 above.

6.7.2 Notwithstanding the concerns expressed by some local residents about the site and its ability to accommodate adequate drainage facilities for the development proposed neither of the consultee's has raised concerns about or objections to the proposals. The petrol filling station that originally raised some concern about groundwater contamination has been deleted from the application since its submission.

6.7.3 There is no evidence available to officers to suggest that the site is unsuitable for the development proposed. Under the requirements of the NPPF there would need to be clear and demonstrable harm arising from the development in order to prejudice the presumption in favour of sustainable development. That is not the case in this instance.

6.7.4 In view of the above it is considered by officers that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 6.8 **Historic Environment**

6.8.1 The application and supporting documentation including the Desk-Based Heritage Assessment prepared by RPS Group have been assessed by appropriate members of the Council's Historic Environment team. Those officers have confirmed that the Assessment adequately considers the archaeological, built heritage and other historic environment matters on the land forming the application site.

6.8.2 As with the other factors above, in order for issues relating to the historic environment to present an obstacle to planning permission being granted, there would need to be significant and demonstrable harm likely to be caused. In this case there is no evidence to suggest that this would be the case.

## 6.9 **Rights of Way**

6.9.1 There are a number of footpaths that cross the development site. No objection to the development has been raised by the Rights of Way Officer. However it is advised that the applicants should contact them to discuss the arrangements which need to be made regarding footpath diversion or blocking up of rights of way.

## 7.0 **Other considerations**

7.1 In this section responses are made to some of the points raised by objectors to the  
Contact Tim Rogers on 01743 258773

proposal as set out in paragraph 4.2.1 above. It is not considered necessary or appropriate to address every single point individually as many of the concerns raised are considered within the officer comments above.

- 7.2 **Sustainability** - The sustainability credentials and location of the development site have been thoroughly tested and assessed as part of the Core Strategy and Masterplan adoption processes. Officers are fully satisfied that the proposal is sustainable and is not contrary to the requirements of the NPPF.
- 7.3 **Public consultation** – There has been some public consultation carried out by the applicants although they themselves have acknowledged that there was a problem with the leafleting for one of the public events. The level of public consultation undertaken the applicants is not a factor that is a material consideration in the determination of the application. The Council has fulfilled the consultation requirements for an application of this nature.
- 7.4 **Neighbourhood Plan** – There is no neighbourhood plan for this area and there is no obligation to produce one. There is however clear policy justification for the proposed development and the SUE as a whole as demonstrated through the Core Strategy and the Masterplan both of which were subject to extensive public consultation.
- 7.5 **Previous refusal on the site** - Reference to previous application decisions is not appropriate as planning policy has changed considerably since previous decisions were taken and in any case any new application must be considered on its own merits.
- 7.6 **No identified need for the housing** - Housing need is identified nationally, then across the region, the County as a whole, and Shrewsbury as the primary centre for growth. It is not necessarily specific to a particular location. There is a requirement on the Council to deliver the levels of housing identified by Government.
- 7.7 **Viability** – The economic viability of the proposal is a matter for the developers. Were it not to be viable then the development would no doubt not proceed. The environmental viability of the proposal is assessed above and no issues of concern that would be significant and demonstrable have been identified.
- 7.8 **Other ways of providing the housing** - Infilling of sites within settlements and renovating existing empty properties can and will contribute to new housing provision but will in no way provide the level of new properties required to meet the County's contribution to the national housing need.
- 7.9 **Location of commercial uses** - Hotels, car showrooms and some other forms of commercial development are commonly found on the edge of settlements close to main highway networks. The current proposal will be no different in this regard.
- 7.10 **Need for the commercial development** – The 'need' for the commercial element of the proposals is not a material consideration. These elements of the development will only be provided if the developer is satisfied that they are viable in their own right.

- 7.11 **Link Road** – The provision of the Oxon Link road does not form part of the current application and should not form part of the material considerations in its determination. The development is however clearly designed to have regard to the likely provision of the link road which is a clear objective of the Council.
- 7.12 **Implications for Shepherds Lane** – It is accepted and acknowledged that the proposals will have some impact on the character of Shepherds Lane and will require the removal of some hedgerow to facilitate private driveway accesses. However the submitted plans show that the amount of hedgerow removal necessary to provide the accesses and associated visibility requirements will not be substantial (the clear majority of the hedge will be retained) and the impact of the additional traffic to serve a total of twelve dwellings has not been identified as a problem by the Councils Highways officers.
- 7.13 **School Provision** – A financial contribution towards enhanced school provision is a requirement of this proposal. The amount of the contribution and the need for additional provision has been assessed and agreed in consultation with the relevant officer within the Councils Education service using the appropriate methodology.

## 8.0 CONCLUSION

- 8.1 The proposed development is clearly one of major significance for the town as a whole and the local area in particular. It forms part of the wider site identified as the Shrewsbury West SUE, consideration and assessment of which has been on-going for several years culminating in adoption of both the Shropshire Council Core Strategy and the SUE masterplan. Within the masterplan provision of the Oxon Link road is clearly identified as part of the overall package of development, but the current proposal precedes any application for the link road and whilst acknowledging its likely delivery, has to be assessed on its own merits.
- 8.2 There are some substantial benefits to be derived from development of the nature and scale proposed. Not least is the contribution to the current housing shortage and the need for new housing delivery. There are also economic benefits in terms of the benefits to the local economy during the construction phases of the proposed development and the employment to be created through the new commercial activity. There is also the provision of a substantial number of new affordable dwellings, the provision of considerable new areas of public open space, and the financial contributions to local infrastructure and services as detailed in this report (paragraph 4.1.1).
- 8.3 As is inevitable with most forms of development and certainly ones of this scale there will be some adverse impacts that need to be weighed in the overall planning balance. In this case the negative impacts will include additional traffic along existing highways, the loss of some trees/hedgerows and the visual/ecological qualities supplied by them, and the impact on the outlook from a small number of dwellings adjoining the site.
- 8.4 Careful consideration of this application, and the significant amount of supporting documentation, has not revealed any significant and adverse impacts that would be clear and demonstrable, and which would either in isolation or cumulatively,

override the strong presumption in favour of sustainable development. In this case it is considered that the benefits of the developments significantly outweigh any negative impacts and the strong recommendation is that the application should be approved subject to conditions as set out below and to the satisfactory completion of a section 106 Agreement to secure the provision of affordable housing appropriate infrastructure contributions as set out in this report.

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

## 9.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 9.1 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.

## 9.0 FINANCIAL IMPLICATIONS

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework (taken as a whole)

Core Strategy and Saved Policies:  
Policy CS1: Strategic Approach  
Policy CS2: Shrewsbury Development Strategy  
Policy CS6: Sustainable Design and Development Principles  
Policy CS9: Infrastructure Contributions

### RELEVANT PLANNING HISTORY:

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure PDE

## 11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr John Overall

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

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

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

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

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

The means of enclosure of the site

Full landscaping details including:

Hard surfacing materials

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

Planting plans

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

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

Implementation timetables

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

5. The 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.



6. As part of the reserved matter details of 20 bat boxes or bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority.

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

7. Due to the planned delivery of the Oxon Link Road alongside the proposed residential development the developer shall fully implement the required noise mitigation measures as set out in the supplied Noise Mitigation Assessment, prior to the first occupation of the affected dwellings.

Reason - To prevent disturbance to the future residents of the site from noise from the link road and to protect the local highway authority from future claims.

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

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

- 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.

9. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

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

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

11. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory means of access to the highway.

12. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

5) Prior to occupation of any part of the development (unless in accordance with agreed phasing under part 4 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (3 and 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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

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

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

14. The glazing specification and fencing specification shown in Appendix I of Environmental Noise Assessment prepared by noise.co.uk dated 12th August 2014 Report no 12625B-1 R1 shall be implemented in full.

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

15. During construction and demolition activities measures set out in the Institute of Air Quality Management document Dust and Air Emissions Mitigation Measures should be followed to a minimum of the medium risk category.

Reason: to protect the amenity of local residents and the local area.

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

Reason: To protect features of recognised nature conservation importance.

17. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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

18. Construction and demolition activities including the arrival of vehicles and deliveries on site shall not occur outside of the following times: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No activities shall be carried out on Sundays and bank holidays.

Reason: to protect the amenity of the area and that of nearby residential properties.

19. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

20. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure protection of controlled waters by controlling the potential for introduction of rapid contaminant migration pathways.

### **Informatives**

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

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

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.

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.

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.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
3. Under the Highways Act 1980 - Section 184(11) you are required to submit an application to form a crossing within the highway over a footway, grass verge or other highway margin. Please note that there will be a charge for the application. Applications forms can be obtained through the web site [www.shropshire.gov.uk/hwmaint.nsf](http://www.shropshire.gov.uk/hwmaint.nsf). If you wish further advice please contact the Shropshire Council's Highway Development Control Team.
4. The developer should consider employing measures such as the following:
  - ' Water Butts
  - ' Rainwater harvesting system
  - ' Permeable surfacing on any new driveway, parking area/ paved area
  - ' Greywater recycling system
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. 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.

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

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

7. Appropriate agreements will be required with the local highway authority for works on existing highway and for the construction of new public highways. Contact should be made with the developing highways area manager to discuss this.
8. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.





Committee and date  
 Central Planning Committee  
 16 October 2014

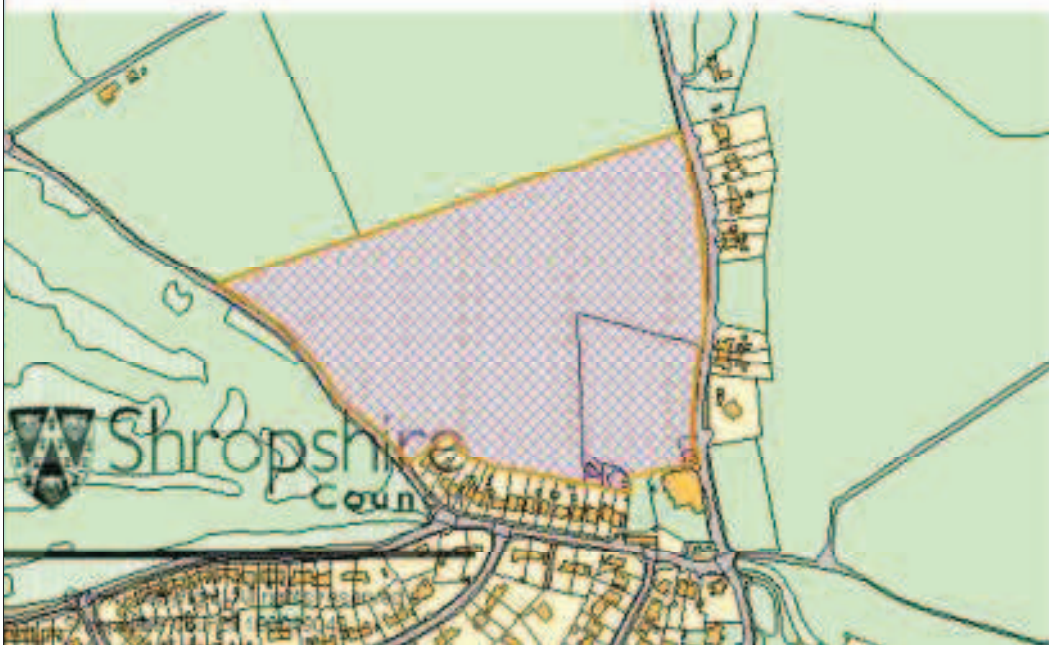
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 14/00335/OUT	<b>Parish:</b>	Condover
<b>Proposal:</b> Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).		
<b>Site Address:</b> Proposed Development Land East Of Station Road Condover Shrewsbury Shropshire		
<b>Applicant:</b> Morris Property		
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349180 - 306317



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



## REPORT

### Recommendation:

**Grant permission subject to conditions attached in Appendix 1 and a Section 106 legal agreement to secure:**

- **Affordable housing**
- **Provision of allotments, school / community hall, playing field and school drop-off / pick-up area in accordance with an agreed timetable.**

### 1.0 THE PROPOSAL

- 1.1** The proposal is an outline application to include access, layout and scale for the erection of 47 dwellings to include 7 affordable units, school hall, car parking area and enlarged school playing field for existing school, together with 16 half size allotments (standard size of 5 poles - approximately 125m<sup>2</sup>), village green, semi-natural / informal open space and play area. This is an amended description following the omission of the sports clubhouse and bar; however the land has been retained within the application site boundary for the future provision of these facilities should the community aspiration to develop these facilities arise. The layout of the cluster of dwellings on Station Road has been amended on the 7<sup>th</sup> October 2014 to take into account the results of a geophysical survey which identified the alignment of former pits which are a feature of archaeological interest.
- 1.2** The scheme proposes 16 x two-bed, 16 x three-bed, 6 x four-bed, 2 x five-bed, 4 x six-bed houses and 3 x three-bed bungalows. 15% of these dwellings will be affordable which include 5 x socially rented and 2 x shared ownership properties provided in the form of 4 x two-bed and 3 x three-bed properties creating a 47 dwelling development. The plan illustrates that the dwellings would be delivered in two distinctly separate areas with 23 dwellings accessed off Station Road to the west with the remaining 24 accessed off Allfield Lane to the east.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site is a 3.10 hectare piece of grade 3 (good to moderate quality) agricultural land located immediately adjacent to the village of Condover. The site is separated from the Conservation Area to the south-east by the playing field of Condover Primary School.
- 2.2** The whole 5.3 hectare site was submitted by the land owner for consideration under the SAMDev process and progressed to the Stage 2b Assessment but did not progress beyond this stage as the release of land on this scale was not deemed necessary to meet the community aspirations for local development.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** Condover Parish Council have submitted a view contrary to officers recommendation for approval based on material planning reasons which cannot

reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman, vice chairman and the Local Member agree that the Parish Council has raised material planning issues and that the application should be determined by committee.

#### **4.0 Community Representations**

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

##### **4.1.1 Condover Parish Council (7<sup>th</sup> July 2014) – In response to amended plans.**

At Condover Parish Councils full meeting on 1st July 2014, councillors again agreed to object to this planning application. We refer you to our previous objection which are displayed on the planning website (dated 6/3/14). Additional comments:- **1) Hedging.** We note that the hedge has been reinstated to the east of the proposed development but it has not been reinstated to the west. **2) SC Archaeology (Historic Environment).** We note both the detail and the designation of the site as having “high archaeological potential”. At this stage we do not want to comment until the recommended follow up activities are completed and final reports available. **3) Surface water.** We note that the proposed development includes the addition of 1.45ha of impermeable surface and that more than 5 months after the original application there is still no specific plan on how surface water will be dealt with. At this stage we do not want to comment until a detailed plan is available. **4) Foul water.** We note that it is intended to pump into the village sewerage system. However we also note that there is no detail provided on the capacity of the existing system or any budget identified for required upgrades. **5) Spending of CIL money.** The Parish Council will not support the spending of any CIL money on the proposed school parking area or the proposed school hall or required drainage/sewerage upgrades. **6) Environmental.** A) We note that the required environmental surveys are still not completed. B) We note that Natural England have not made any specific comments reference this proposed development. We trust that they will be invited to do so after the final environmental surveys are available. C) We note that the migration of any potential Great Crested Newt population back to the pond for breeding was made almost impossible by the introduction of sheep on the 10/3/14 and exacerbated by localised feeding next to the pond (see photographs below). D) We note that following the ploughing of the site and subsequent sowing of wheat that we have not seen any Barn Owl's visiting/hunting on the site this spring/summer. E) At this stage we do not want to comment further until all the environmental reports are available. We trust that Shropshire Council planning will not be making any recommendations on this development until the Parish Council have had the opportunity to comment on pending reports/plans (archaeology, environmental and surface water)

##### **7<sup>th</sup> March 2014:**

The Parish Council wishes to oppose the above application based on the following:  
1) Environmental (reference NPPF 27/3/12 section 11).

The land proposed for development is rough un-grazed grassland, to the North it is sloping and to the South it is flat, waterlogged and has a pond.

The developer's environmental report points out that the pond on the site is an “excellent” habitat for Great Crested Newts. It would surprise us greatly if their

residence is not proven as we already have GCN populations confirmed at both nearby quarries.

When you put this together with the potential of bats living on the site (also included in the developers environmental report) and local knowledge that the site is hunted by Barn Owl's (which can be seen quartering the field during early morning and late evening during the spring/summer in particular). We consider that it would be far more suitable to have the site declared an SSI rather than build on it.

The NPPF references that land for development should prefer land of lesser environmental value. We would point out that alternative brownfield land is already identified within the village VDS. Also that if the land included in the Village Design Statement (VDS) were to be developed instead, there would no requirement to compensate for lost habitat by creating new equivalent areas nearby (also referenced in the NPPF).

## 2) Neighbourhood Plan

This application breaches Conover Village Design Statement (VDS) which was adopted in 2010.

This VDS was based on local community consultation in the preparation of the 2009 Conover Parish Plan and ratified through two further public consultations between 2010 and the current day.

Specifically the proposed development breaches:-

- a) The Village development boundary.
- b) The proposed 47 homes is double the number included in the VDS.
- c) The VDS calls for housing development to be phased over the next 15 years (not in one big chunk).

Note that the land covered by this application is owned by the same landowner who owns (or until recently owned) two sections of land which are currently supported in the VDS for development.

## 3) Shropshire Council - Local Plan

We formally registered a concern by letter to Keith Barrows (with copy to Clive Wright, Mal Price, Tim Barker and Dave Wallace) dated 06/02/13 that delay in adopting SAMDEV was creating an opportunity for developers to sidestep all of the hard work which had been done in the drafting of the Policy and preparation of neighborhood plans.

At all stages our VDS has been promptly submitted to Shropshire Council as part of the continually ongoing SAMDEV process.

### 4.1.2 SC Highways (8<sup>th</sup> October 2014): No objection subject to conditions and s106.

The local highway authority makes no objection to the granting of consent.

We raised some initial concern regarding a number of aspects to the application including the increased use of Station Road, the position of the proposed footway along Shrewsbury Road, which was originally shown behind the existing hedge so

would have been isolated from the road and the proposed school drop-off parking. These issues have now been addressed by the applicant as we have agreed in principle to a section 106 agreement, or an appropriate planning condition to secure the formalisation of a number of passing places along Station Road and amendments have been made to the scheme along Shrewsbury Road to meet our requirements.

From an infrastructure perspective, the proposed development would appear to be a sensible extension to Condover and the applicant has included details of how the development will connect with existing walking routes into the village. By splitting access between Station Road and Shrewsbury Road this should spread any resulting additional traffic movements in the area, which are not expected to be significant from the number of units proposed. We would comment that whilst it could be considered undesirable to increase vehicle movements along Station Road, the Highways Agency whilst acknowledging the shortcomings of the junction with the A49 have not objected to the development. We expect that any increase in vehicle movements along Station Road will be minimal, but nevertheless we expect some increase and therefore some mitigation works are required to widen localised areas of the road where traffic is currently overrunning the verge to pass one another.

A layby has been proposed by the applicant on Shrewsbury Road near the school to address some of the parking problems that currently occur in this area and we anticipate that this would be adopted as part of the highway.

We understand that the proposed estate roads will be offered up for adoption and therefore a s38 agreement under the Highways Act 1980 will be required with the local highway authority. Due to this a condition is required for the technical approval of the access works:

**4.1.3 SC Ecology (4<sup>th</sup> September 2014): No objection subject to the attachment of conditions and informative(s).**

**Great Crested Newts**

Worsfold (2014) carried out great crested newt (GCN) presence/absence surveys of two ponds between the 31<sup>st</sup> March and 1<sup>st</sup> June 2014. Six visits were carried out on both ponds. The maximum count at Pond 1 was one and at Pond 2 six, indicating a 'small' population. Eggs were found in both ponds so breeding is confirmed.

A licence from Natural England will be necessary before the development can go ahead. Mitigation will entail fencing and trapping GCN from the site. Compensation will be needed in the form of at least one hibernaculum, indicated in the south east corner of the site close to Pond 2. The amended Site Plan indicates retention of Pond 1 with Pond 2 just outside the site boundary.

The Proposed Site Layout indicates an area of semi-natural informal open space to the north of Pond 1. This is welcomed, particular if it can be managed to be suitable for barn owl feeding (see bird section below). However in order to maintain

the favourable conservation of GCN at the site, it will be necessary to manage Pond 1 in a sympathetic manner and also manage the GCN mitigation area where the hibernaculum is proposed as a natural grassland area. It is recommended that the following condition is imposed to require details of a habitat management plan.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

**4.1.4 SC Drainage (7<sup>th</sup> March 2014): The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.**

**4.1.5 Highways Agency: No objection.**

**4.1.6 SC Learning & Skills (5<sup>th</sup> Aug 2014):** Shropshire Council Learning and Skills would emphasise that any enhancements to the school building and site, undertaken as part of this scheme, need to be fully agreed by the LA and the school before its commencement. Those enhancements depicted on the applicants current plan may not necessarily be those ultimately agreed.

**(11<sup>th</sup> Mar 2014):**

: The Local Authority (Shropshire Council Learning and Skills) objects to the proposed development on the following grounds:

' the LA has received no prior consultation on these proposals, which involve land to which it owns the freehold;

' the LA has concerns over the access to proposed car parking and drop-off areas which, positioned on a busy, narrow country road in and out of the village and directly opposite private housing, may become busy and hazardous. The school would, presumably, be expected to take on the management of its daily activity and any problems that would ensue;

' the provision of a school hall is not considered a priority by the LA. Other shortfalls in essential provision are considered to be more pressing;

' should the development ultimately go ahead as proposed, then the school hall would not be desirable as a freestanding unit discrete from the school, as depicted, but would need to be an integral part of the school building;

' overall, the likely increase in traffic activity generated by such a development, being very much in the vicinity of the school, would cause significant concern at peak school times.

**4.1.7 SC Archaeology (7<sup>th</sup> October 2014): No objection subject to attachment of conditions.**

Background to Recommendation: Further to my previous consultation responses, the applicant has now provided a geophysical survey report of the proposed development site by Headland Archaeology. Whilst this does not provide any



further confirmation of the line of the pit alignment currently recorded on the Shropshire Historic Environment Record (HER PRN 04919), it has identified a series of anomalies on the western side of the development site which are likely to represent a previously unrecorded pit alignment. The only other anomalies identified have been interpreted as being of agricultural features of either medieval or more recent origin. As a consequence, the proposed development site is deemed to have low-moderate archaeological potential overall, but with localised areas of high potential relating to the possible pit alignments. The applicant had previously amended the layout of the proposed development to avoid the pit alignment currently recorded on the HER. They have now further amended the site layout so that no buildings would be constructed over the line of the newly identified pit alignment on the western side of the site. RECOMMENDATION: It is advised that together the Heritage Impact Assessment by Richard K Morriss & Associates and the Geophysical Survey report by Headland Archaeology now provide a satisfactory level of information about the archaeological interest of the proposed site, and likely impact of the proposed development on that interest, in relation to Paragraph 128 of the NPPF. It is recognised that the further amendment to the site layout will mean that preservation in situ will be achieved for the possible pit alignment currently recorded on the HER near the centre of the site. Likewise, the impact on the newly identified pit alignment on the western side of the site will be minimised. It is advised that this could be further reduced if permitted development rights were removed for the plots along the length of this feature. Given the archaeological potential of the site as outlined above, and in line with Paragraph 141 of the NPPF, it is advised that that a phased programme of archaeological work be made a condition of any planning permission. This should consist of an initial field evaluation comprising targeted trial trenching to test and assess the possible pit alignments. This should be followed by further mitigation as appropriate but comprising a minimum of a watching brief during the construction of the estate roads.

- 4.1.5 SC Trees (19<sup>th</sup> February 2014):** The proposal does not appear to affect any protected or important amenity trees. A pond and small copse of trees on site are shown as retained. The proposal includes planting of new trees and hedges. **As such there is no objection on the grounds of trees.**
- 4.1.6 Sport England:** No comments received.
- 4.1.7 SC Affordable Housing (19<sup>th</sup> February 2014):** 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. As the Outline proposal includes both layout and scale for consideration, we have considered the submission in accordance with the current prevailing target rate of 15%. The affordable housing contribution requires 7 dwellings to be affordable together with a financial contribution for the remaining fraction (.05). Our Policy requires a 70:30% split between rented housing (70%) and low cost home ownership (30%). The proposal identifies the whole of the affordable provision as being social rented. We suggest that the proposal is amended to include 2 of the affordable dwelling as being available for low cost home ownership. Also, further information is requested with regard to the location of the proposed affordable dwellings. The affordable dwellings will be required to be

transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

#### **4.1.8 SC Conservation:**

Background to Recommendation:

The subject lands lie immediately outside of, but adjacent to, the northerly most boundary of the Condoover Conservation Area. The Conservation Area boundary line here runs behind the 19th Century part of the Condoover Primary School building as part of the northerly most arm of the Conservation Area. There are no statutorily listed buildings within the site boundary however the Grade II listed Farriers Cottage, a former smithy, located on the north side of Station Road, is just to the south of the site.

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).

These lands are sited at an important gateway entrance to the Condoover Conservation Area. Given the proximity of the Conservation Area, the proposed buildings would need to be built to a high quality of design with external materials that harmonise well with the built form in the area, and it would need to be demonstrated that the proposal would not have a significant detrimental impact on the character and appearance of the adjacent Conservation Area. One of the features evident along the entrance into the Conservation Area here from the north is the continuous row of hedging running along the easterly boundary of the site adjacent to the roadway. At least six access points appear to be proposed along this easterly boundary which would disrupt the continuity of this continuous feature hedge which is of some concern with respect to its impact on the setting of the Conservation Area.

Detail:

The submission and approval of external materials should be conditioned. The details of any boundary treatments along the Conservation Area boundary line should be reviewed and approved.

**RECOMMENDATION:**

In terms of historic environment matters, given that the lands are adjacent to and at a gateway into the Conservation Area, 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 and access points in terms of the easterly site boundary as described in more detail above.



## 4.2 Public Comments

**4.2.1** The application has been advertised as a Major form of development and as a Departure from the Development Plan in the Shropshire Star on the 18<sup>th</sup> February and 20<sup>th</sup> May 2014 respectively. A Site Notice was also displayed on the 18<sup>th</sup> February 2014. Neighbouring notification letters were sent to 27 properties which a common boundary on the 7<sup>th</sup> July 2014. 27 letters have been received objecting to the proposal. The arguments for opposition can be summarised into the following key points:

- The development is on a greenfield site, there is an owl that hunts there, newts, ancient oak trees and other valuable wildlife. It is a pleasant area, for example, to walk a dog. It is suggested that there are ample brownfield sights in Telford and Shropshire four housing development.
- The land may also be of agricultural value, whilst it hasn't been farmed for several years it may well be fertile and therefore there is potential for agricultural development.
- The traffic into the village would increase dramatically. This would be a concern in the village, for example many existing roads are narrow and struggle to accommodate passing traffic (for example Station Road), many roads do not have street lights, something which is considered desirable by villagers, and many roads do not have proper pavements. Furthermore there is a local school and that increased traffic would be particularly dangerous around school children. Furthermore it would increase traffic coming onto and off the A49. The main junction to Condover off the A49 is already considered dangerous by some, it is already difficult to turn onto the A49 at peak times and the speed limit on this section of the A49 is too high at 60mph. However the school acknowledges that the new parking area may actually increase traffic safety around the school and another individual acknowledges that some of these issues could be addressed with the introduction of a 20mph in Condover.
- The development would spoil the rural feel of Condover. It would represent a 20% increase in size and the removal of an attractive rural field. Many residents moved to Condover precisely for this rural feel and for a rural way of life.
- There is an objection to the inclusion of a public house in the development. There are two licenced premises in the village, although there is not a pub, and it is felt that business would suffer, particularly in the current economic climate. It is suggested (albeit without evidence) that the majority of village residents do not want a new pub at all. It is also suggested that the village does not want a clubhouse and does not need allotments.
- It is acknowledged that there is a need for affordable houses; however of the 47 properties being built, just 7 are affordable. Some of the others are particularly large and will have up to 6 bedrooms. It is felt that this development will not help young people and will not address the existing housing crisis.
- It is suggested that the infrastructure, for example the primary school, of Condover will be unable to cope with the population increase. It should be noted however that the governors of the primary school have written a letter

of support welcoming the development and relishing the opportunity for the school to expand.

- There is a concern as to whether the sewage and water pipe system will be able to cope.
- Some have expressed personal concern that the development will decrease the value of their property.
- There is a worry that there is simply too much development planned around Condover, in addition to this housing development there are planned developments of solar panels and wind turbines locally.

There was also a single letter of support, from the governors of the local primary school, as mentioned previously, and three neutral comments regarding speed limits and rural preservation.

## 5.0 THE MAIN ISSUES

**Principle of development**

**Layout and Scale**

**Access**

**Impact on local residential amenity**

**Other matters**

- **Affordable Housing**
- **Surface Water Drainage**

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

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

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

and that:

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

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** When assessed against saved SABC Local Plan Policy *H3: Housing in Villages with Development Boundaries* the site is located outside but immediately adjoining the northern boundary of the Condover Village Development Boundary. Therefore under the existing development plan the site would be considered to be located within countryside. Policy CS5 of the Shropshire LDF Core Strategy does not generally support the provision of new open market residential development in the countryside.
- 6.1.4** Shropshire Council has adopted Core Strategy and *CS4: Community Hubs and Community Clusters* which outlines that 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.
- 6.1.5** Within the SAMDev Pre-Submission Draft submitted to the Secretary of State for examination on the 31<sup>st</sup> July 2014 the village of Condover has been included as a Community Cluster under Core Strategy Policy CS4 along with Dorrington and Stapleton. Emerging policy S16.2 (vii) *Community Hub and Cluster Settlements* outlines that development by infilling, groups of houses and conversions may be acceptable on suitable sites within the development boundary identified on the Policies Map, with housing guidelines of around 20-25 in Condover. There are allocated housing sites in Condover which are identified on the Policies Map (insert below) with the Parish Council's Village Design Statement seeking to phase development of the two sites whilst stressing the need for the sites to include an element of affordable housing. The allocated sites are (CON006) Land opposite School and (CON005) Land east of the Shrewsbury Road and both have provision for 5-10 dwellings.
- 6.1.6** Condover is a village comprised of approximately 310 dwellings accommodating 721 residents located with the Condover Parish which has 857 properties accommodating a population of 1,957. The village is accessed off the A49 along Station Road and Allfield Lane. The village benefits from a range of essential services and facilities including Primary School, social club, post office and village shop and butchers. The village also has a church, 18 hole golf course, cricket and football teams and Condover Hall which currently hosts children's residential adventure holidays. The nearest Secondary Schools are at Meole Brace, Shrewsbury or Church Stretton. Minsterley Motors run the 435 bus service through the village between Shrewsbury, Church Stretton and Ludlow, with 10 daily

services approximately every hour on Monday-Friday between 07:15 and 17:40 from Shrewsbury and 07:00 and 17:50 from Ludlow with 6 services on a Saturday. Regional Cycle Route 32/33 which runs from, Betton Strange to Great Ryton passes through the village. There are a number of large agricultural employers including G.H Davies (Farms Ltd and Home Farm, (Cartwright family), which specialises in growing potatoes and rearing Kelly Bronze turkeys and has converted some barns into a Farm Friends Day Nursery. In additional 5.170 of the Explanation to *Area Wide Policies* the SAMDev Pre-Submission Draft outlines that there are a number of well-established existing rural industrial estates and employment sites in the rural area, including the complex of rural buildings at Condover and Dorrington. The SAMDev documents notes how these sites make an important contribution to the overall provision of employment land and buildings, and to the rural economy.

The site is located immediately adjoining the northern boundary of the village development boundary 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.

**6.1.7** 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.

**6.1.8** 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 47 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.

**6.1.9** 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 47 dwellings now proposed would not provide any significant additional pressure on services that would render them unable to sustain services for residents. The proposed allotments, semi-natural / informal recreational space, play area, school car park and hall will actually enhance the service level provision within Condover.

**6.1.10** Environmental role –

#### Grade of Agricultural Land

The application site is classified as a mix of Grade 2 and 3 quality agricultural land which represents very good – moderate. Paragraph 112 of the NPPF advises Local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land and outlines that where significant development of agricultural land is demonstrated to be necessary as in this case, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This is a single consideration in the balance of whether the any harm significantly and demonstrably outweighs the benefits. Part of this consideration must take into account the benefits of delivering housing, including affordable, contributions to community infrastructure, provision of improved and new community facilities in a highly sustainable location immediately adjacent to a proposed Community Cluster with a range of services and facilities with good transport links to larger settlements. As such officers must advise that proportionate weight should be given to the agricultural land quality.

#### Ecology

The site has no ecological designation and it is currently utilised as a ploughed agricultural field. Whilst the scheme includes the removal of the hedge adjacent to Allfield Lane, this is not considered to be of any significant ecological value and will be replaced with a mixed species hedge providing enhanced ecological value. A Great Crested Newt and Bat survey has been submitted on the 28<sup>th</sup> July 2014 which has been assessed by the Council's Ecologist who has no objection subject to mitigation measures such as the hibernaculum and enhancement measures including bird and bat boxes. Accordingly the proposal is considered to maintain and enhance the ecological value of the site in accordance with CS17.

#### Archaeology

The applicant submitted a Heritage Impact Assessment in May 2014 which was assessed by the Council's Archaeologist and subsequently the requested geophysical survey was undertaken and the result submitted on the 3<sup>rd</sup> October 2014. This survey has led to a minor amendment to the layout of dwellings adjacent



to Station Road in order to avoid a pit alignment which is of archaeological interest. Accordingly there is no objection from an archaeological perspective subject to the attachments of conditions including a requirement for an Archaeological Watching Brief as the development is considered capable of safeguarding these features in accordance with the CS6 and CS17. This response is considered to address the Parish Council's concerns about determination prior to the submission of the reports / surveys.

### Sustainability

In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and to local services and facilities in Condover and Dorrington, and by public transport to the array of services, facilities and employment opportunities in Shrewsbury and Church Stretton.

## **6.2 Layout and scale**

**6.2.1** Development should meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity.

**6.2.2** The plan illustrates that the proposed dwellings will be in two distinct areas, separated by an area of semi natural informal open space. The area to the west is accessed from Station Road and the area to the east is accessed from Allfield Lane. The scheme proposes a varied mix of house size, design and tenure across the two areas separated by a large area of recreation which creates an extremely low density development which is considered to enhance the gateway entrances into Condover. Accordingly the layout and scale of the proposal are considered in accordance with the requirements of CS6.

## **6.3 Impact on local residential amenity**

**6.3.1** The site will have boundaries with the rear gardens of properties on Station Road and will be opposite properties on Allfield Lane. The development has been designed to ensure sufficient distance between habitable rooms and private amenity space so as not to result in any unacceptable overlooking or overbearing impact. Conditions will be imposing restricting construction to standard accepted hours and prevent any burning on-site to protect residential amenities during construction.

**6.3.2** The scheme will be beneficial to local amenity as it includes a dedicated off-street car park for the school which will reduce indiscriminate parking on the car outside residential properties; a footpath along Allfield Lane from the centre of the village to the edge of the development, allotments, natural recreational space and children's play area as well as a school hall. Accordingly the proposal is considered to safeguard and enhance residential and local amenity in accordance with CS6.

## **6.3 Access**

**6.3.1** The development will served off Allfield Lane (Shrewsbury Road) and Station Road, with a dedicated access to the school car park. The access arrangements have been subject to an iterative process involving Council Planning, Highways and Conservation Officers. The scheme proposes passing places on Station Road

which will prove a significant benefit to existing residents as well as benefit of removing on-street school parking and the installation of the highway footpath along Allfield Lane. The Highway's Officer has no objection to the latest revision subject to the attachment of conditions and provision within the section 106 legal agreement for the passing places along Station Road.

## **6.4 Other matters**

### **6.4.1 Affordable Housing**

The application has been referred to the Council's Affordable Housing Officer who has noted that 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 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 and tenure mix of the proposed affordable units is outlined in the introductory section of this report.

### **6.4.2 Surface Water Drainage**

The application has been referred to the Council's Flood and Surface Water Management Team who confirmed on the 7<sup>th</sup> March 2014 that 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. The reserved matters will have to explore the use of soakaways for surface water disposal with 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. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate would have to be submitted for approval. The attenuation drainage system will 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 which will address the element of the existing issue of surface water flooding of Station Road as a consequence of runoff from this site although it must be accepted that this scheme cannot rectify runoff from other surrounding land. However, this scheme will meet its requirements in respect of surface water drainage through the submission and approval of appropriate details at the reserved matters stage which will be implemented prior to any occupation of the dwellings and the scheme will accord with CS18. This addresses one of the concerns of the Parish Council who have also raised concern about the use of the existing mains pumping station to dispose of foul sewerage, which is not a material planning consideration as it has no implications on the authority's statutory duty which relates to surface water drainage only.

## **7.0 CONCLUSION**

The planning application relates to the provision of a mixed residential development in open countryside and would be contrary to Development Plan policies CS4 and CS5 and saved Local Plan Policy HS3 restricting such



development. The village of Condover is being promoted as a Community Cluster within an aspiration for 20-25 dwellings on allocated sites in the emerging SAMDev plan. However, the proposed site is located adjacent to the built up area of Condover, which has a number of local facilities and services, and as such the proposal would represent sustainable development for which there is strong support in the NPPF. On balance it is considered that this location can be supported in principle.

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 immediately adjacent to the village. The proposal would have no adverse environmental or ecological implications and would not impact on highway safety. Significant consideration has been given to the layout, scale and access arrangement with only appearance and landscaping reserved for later approval. In addition the developer has confirmed that they are willing to accept a condition requiring the submission of reserved matters within one year as opposed to the normal three, which is a further commitment to the timely delivery of the scheme. It is therefore considered that the developer is committed to implementing a deliverable scheme which will significantly boost housing supply.

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 Condover is a sustainable location for the 47 mixed residential dwellings (over and above the 20-25 put forward by the Parish as part of SAMDev) due to its range of essential services and facilities and its proximity to Dorrington, Shrewsbury and Church Stretton with good access to all public transport reducing reliance on 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, highway improvement works to Station Road, and community facilities including school car park, hall, allotments, recreation and play facilities 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.

**EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

Application name and reference number:

14/00335/OUT

Land East of Station Road - Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, car parking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).

Date of consideration of three tests:

1<sup>st</sup> September 2014

Consideration of three tests carried out by:

Alison Slade

Planning Ecologist (01743 252578)

[Alison.Slade@Shropshire.gov.uk](mailto:Alison.Slade@Shropshire.gov.uk)**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The scheme will deliver 47 new dwellings including 7 affordable housing. Together with a new school hall, dedicate off road parking area (drop off, pick up) which will reduce on street parking beneficial to pedestrian safety. The scheme includes a large area of semi natural open space, retention of a pond, allotments and a play area which are beneficial to the social amenities of the village.

The scheme proposes a great crested newt hibernaculum and requires the works to be undertaken in accordance with a European Protected Species licence and the submission of a habitat management plan which will ensure satisfactory protection of protected species.

**2 Is there ‘no satisfactory alternative’?**

The onsite benefits provided by this scheme can only be delivered due to its proximity to the school and village and there are no other sites currently under consideration which would provide all the benefits outlined in the answer to question 1.

**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

Worsfold (2014) carried out great crested newt (GCN) presence/absence surveys of two ponds between the 31<sup>st</sup> March and 1<sup>st</sup> June 2014. Six visits were carried out on both ponds. The maximum count at Pond 1 was one and the count at Pond 2 was six, indicating a ‘small’ population. Eggs were found in both ponds, so breeding is confirmed.

Mitigation will entail fencing and trapping GCN from the site. Compensation will be needed in the form of at least one hibernaculum, indicated in the south east corner of the site close to Pond 2. The amended Site Plan indicates retention of Pond 1 with Pond 2 just outside the site boundary. No built development is proposed between the two ponds.

In order to maintain the favourable conservation of GCN at the site, it will be

necessary to manage Pond 1 in a sympathetic manner and also manage the GCN mitigation area where the hibernaculum is proposed as a natural grassland area. It is recommended that a condition is imposed to require details of a habitat management plan.

The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Andrew Gittins dated 1<sup>st</sup> September are attached to any consent and thereafter implemented.

### Conditions

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

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

2. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Surveys by Worsfold and Bowen dated June 2014.

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

3. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

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

**Reason: To protect features of recognised nature conservation importance including great crested newts and barn owls.**

## 10. Background

### Relevant Planning Policies

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

NPPF

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

HS3: Housing in Villages with Development Boundaries

CS4 – Community Hubs and Community Clusters

- CS5 – Countryside and Green Belt
- CS6 – Sustainable Design and Development Principles
- CS9 – Infrastructure Contributions
- CS11 – Type and Affordability of Housing
- CS17 – Environmental Networks
- CS18 – Sustainable Water Management

**SUPPLEMENTARY PLANNING DOCUMENTS**

Type and Affordability of Housing  
Sustainable Design (Part 1)

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 - Conditions
-------------------------------------

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the External Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of one year 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 levels of the site  
The drainage of the site  
The finished floor levels

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

5. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

6. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.

7. Work shall be carried out strictly in accordance with the Great Crested Newt and Bat Activity Surveys by Worsfold and Bowen dated June 2014.

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

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

8. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

9. No development approved by this permission shall commence until the applicant, or their agents 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 Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

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

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

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

12. 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.

13. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

14. 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.

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

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

Reason: To protect features of recognised nature conservation importance including great crested newts and barn owls.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken on the plots surrounded by the blue boundary on plan number 11058-11 Rev E received on the 7th

October 2014 without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.



Committee and date

Central Planning Committee

16 October 2014

## Development Management Report

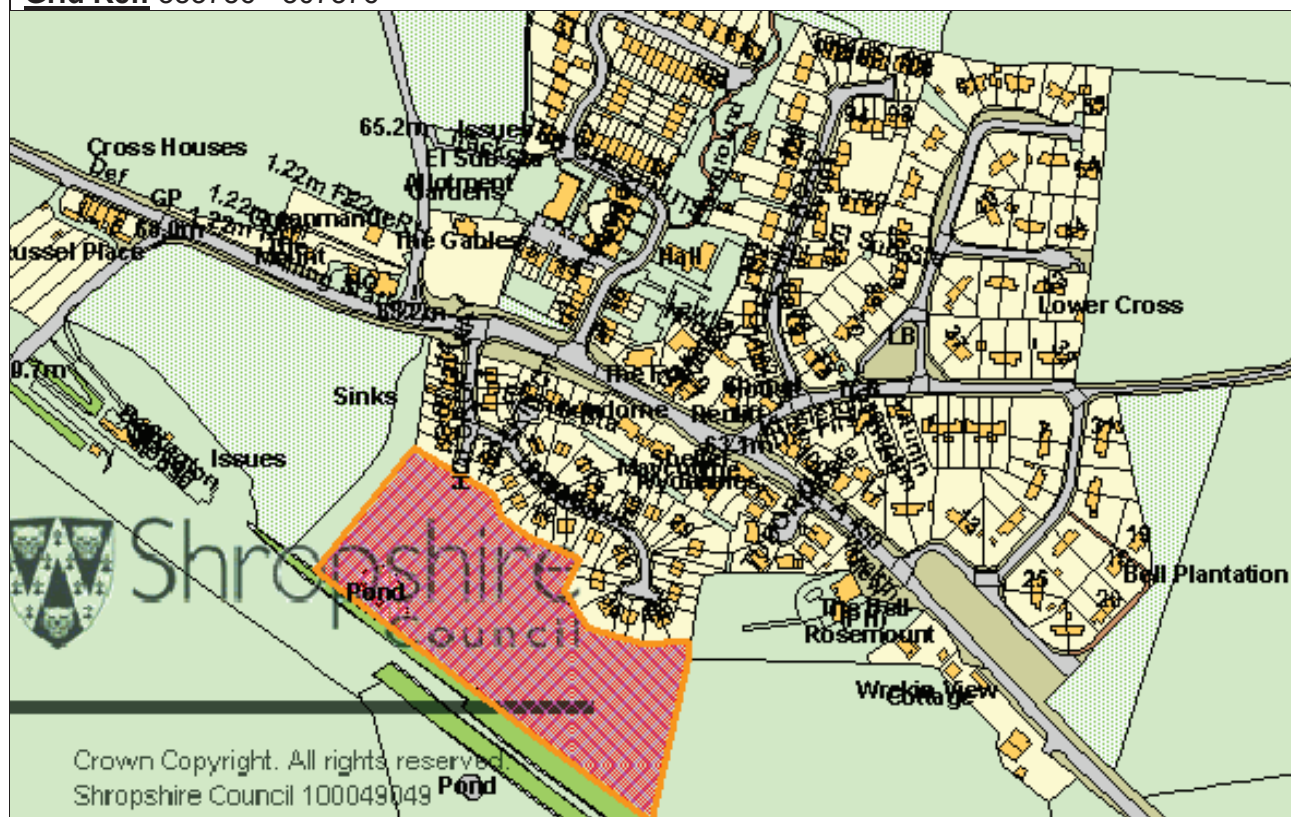
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 14/02406/OUT	<b>Parish:</b> Berrington
<b>Proposal:</b> Outline application for residential development to include means of access	
<b>Site Address:</b> Land South Of Holcroft Way Cross Houses Shrewsbury Shropshire	
<b>Applicant:</b> Fletcher Homes (Shropshire) Ltd	
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 353756 - 307376



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

## ADDENDUM TO 18 SEPTEMBER 2014 REPORT

This application was deferred at the 18 September 2014 meeting of the Central Planning Committee to enable the applicant to reconsider the access and provide further information relating to drainage. The agent has submitted a revised indicative layout plan and a highways plan for a potential future roundabout. The main changes proposed include:

- Private road on NW side of the site now proposed to be a public adoptable road, to enable future road link options
- Larger amount of public open space
- Greater distance between proposed dwellings and existing dwellings on High Cross Avenue
- Land for the proposed roundabout to be gifted through the s106 agreement **(Members should not give any weight to this in decision as this does not meet the tests for s106 agreements and any decision including this requirement would be unlawful and open to challenge).**

In addition the following statement has been provided by the agent to address the planning committee's concerns regarding drainage, describes the highway proposals and summarises the community consultation undertaken at a special meeting of the Parish Council:

### Drainage

**Agent comment** - *Members expressed concerns about the discordance between the professionals' view and the locals' view of drainage, and requested that the disagreement be resolved. A site meeting was held with concerned residents and the parish council on Thursday 25th September to explain the drainage proposals. The applicant's drainage consultant Andy Gough walked the site with residents and explained the proposed water attenuation scheme, which consists of a number of very large, 1.8m diameter underground pipes designed to store surface water. These large pipes are of sufficient size to accommodate a small car. The surface water drainage attenuation system would be in the order of 148m long and would be provided with flow control to release the water at a slow greenfield rate of release into the existing ditch in the field to the west of the development site. These underground storage pipes would be effective for periods of very heavy rain, including storm levels expected only once in 100 years plus 30% climate change and any exceedance flows from gardens. In addition, water release will be slowed down by a range of modern sustainable urban drainage techniques (SUDS) designed to slow down the flow of water and ensure water does not escape in the wrong direction. The scheme will be fully indemnified. The on-site discussions satisfied the parish council, neighbours and local Member that the drainage proposals are satisfactory and will prevent flooding problems occurring in the future.*

**Officer response:** David Edwards (SC Flood and Water Manager) has confirmed that from a flood risk and drainage perspective the principal of the development is technically acceptable but notes the concern from adjacent properties which currently suffer from flooding in their gardens. Confirms that this issue would be resolved as a result of the development, as all water falling on the site would be managed and this flow route would no longer exist. The current, outline, proposal is to discharge surface water to the watercourse to the north west of the site. This would be done in a controlled manner at a rate not exceeding that which currently leaves the site.

### **Open Space**

**Agent comment** - *To address concerns about open space, a revised layout has been submitted that has a lower density of development (37 dwellings instead of 39), less space used by private drives and more public open space on site. The revised layout was discussed with residents and the parish council on site and at an extraordinary meeting of the parish council held on 25th September. While the revised layout has reduced the concerns raised, a number of neighbours would prefer to see more amenity open space between their existing properties and the proposed new dwellings rather than a larger expanse of open space around the pond. This is an issue that will only be fully resolved at the reserved matters stage, when the precise layout and types of proposed dwellings are finalised. The reduction in number of dwellings as shown on the revised layout plan provides more space to resolve the individual objections from neighbours at the reserved matters stage.*

**Officer response:** Members are advised that this proposal is an outline application only and that the layout (including number and location of dwellings, road layout, and the amount and location of open space) will be determined at the reserved matters stage. The indicative layout is for illustrative purposes to demonstrate how the site could satisfactorily accommodate up to 37 dwellings and the required amount of open space. The layout is therefore not open for debate and revisions cannot be requested as it will not become an approved plan and is purely indicative. With regards to an equipped play area if indicated in the place plan funding for this can be provided by CIL.

### **Highways**

**Agent comment** - *Members wished to see more radical changes to reduce traffic speeds on the A458, whilst acknowledging their officers' advice that the speed of traffic through the village was not directly related to the proposed development. In response the applicant has offered to gift the land necessary for construction of a larger roundabout on the A458, through a section 106 agreement. The development will contribute Community Infrastructure Levy monies in excess of £250,000 which will be sufficient to pay for the construction of the roundabout. Therefore although not necessary for the proposed development, the scheme will provide both the land and funding required to deliver a 28 metre wide roundabout. The 28 metre wide roundabout greatly increases the deflection of traffic, which ultimately slows traffic speeds. The centre of the roundabout will be in the position of the current field-side pavement. This will be a kerbed roundabout with a lower collar to facilitate its navigation by HGVs. It will reduce vehicle speeds significantly. The roundabout also facilitates a future road to serve development on the south*



*side of Cross Houses and enable the future closure of Holcroft Way to vehicular traffic. However this would be the subject of a separate application at some point in the future. It is not part of the current application, which has to be considered on its own merits.*

*The package of improvements also includes new vehicle activated repeater 30mph signs, the positioning of which was discussed on site with the parish council on 25th September. The repositioning of the 30mph sign and addition of ladder markings between the roundabout and the pedestrian crossing were reported in the officer's report to 18th September committee. Funding for these other works to contribute to reducing traffic speeds on the A458 will be secured through the section 106 agreement.*

**SC Highways:** The local highway authority does not support the suggested 'gifting' of land for the construction of a compact roundabout in place of the existing mini-roundabout junction at A458/Atcham road, as we are of the opinion that this is not relevant to the development hereby proposed.

Whilst there are some issues with the current layout on the A458 at this location, we have worked with the applicant to agree a package of improvement measures for the A458 which are relevant to mitigate against an increase in vehicle movements at the Holcroft Way junction. We agree that replacing the existing mini roundabout with a compact roundabout would offer an improvement to the control of traffic at this location, but it is not necessary and improvements at this junction have not been identified in any Shropshire Council Local Transport Plans or the Berrington Council Parish Plan. The indicative roundabout junction layout provided would potentially 'unlock' further phases of development on land owned by the applicant and therefore we take the view that the construction of this junction should be a development cost; the suggestion that this should be funded by CIL or any other contributions to provide local enhancements is therefore inappropriate and using such funds this way could potentially be deemed unlawful.

Notwithstanding the above we do support the notion of constructing a roundabout at the suggested location and as the costs of constructing this are probably unviable under the current scheme proposed we suggested to the applicant that they could consider extending their current site to provide a more 'complete' development incorporating the roundabout junction to provide access to the wider site. However it is understandable that the developer has chosen not to pursue this suggestion at this time, as they have a scheme recommended for approval by officers which utilises an existing access within their control. If the current application is approved, we will be looking for the applicant to present a scheme at reserved matters which does allow access between any future phases of development on their land to facilitate a future connection to the Holcroft estate from a roundabout junction at the junction with the Atcham Road. At this time, without prejudice we take a view that it would be undesirable to permit any further phases of development over and above the current application under consideration which utilise the Holcroft Way/A458 junction for access (due to further intensified use of the junction and the potential to impact highway safety) and hence we are firm in our view that the suggested roundabout should be viewed as a development cost.

**Officer response:** In response to Highway comments the agent has provide the following statement:

**Agent comment** - *We would agree that future development would provide road access from the enlarged roundabout and could be required to pay for provision of the roundabout as a necessary part of its development. In this scenario it would be a development cost.*

*However the above scenario presupposes that the local planning authority will permit a future phase of development. In the event that the LPA refuse a future phase, then how will the roundabout be built? The gifting of the land through a s106 agreement means that the LPA could still provide a roundabout using its own funding. The use of CIL would be entirely appropriate and not unlawful as suggested, as it would be to provide infrastructure unrelated to development (in this scenario).*

*The proposal to gift the land for a roundabout benefits the LPA as it does not pre-judge their future decision on a future phase of development. Should the LPA be minded to grant consent for phase 2, it can require the developer to pay for the construction of the roundabout. However this is a decision for the future, not for now. The current proposal to gift the land means the LPA could either construct the roundabout itself (using CIL or other funds) or have it paid for by the developer of a phase 2 development. Members will no doubt prefer to keep the two options open at this stage.*

**Officer response** - Officers stand by their previous recommendation that the proposal has no highway safety implications provided the initial package of highway improvements is secured by S106. Planning obligations must meet the following 3 tests set out in the CIL regulations:

- (a)necessary to make the development acceptable in planning terms;
- (b)directly related to the development; and
- (c)fairly and reasonably related in scale and kind to the development

It is considered neither reasonable nor necessary to secure any financial contribution or gifting of land from the applicant to secure an improved roundabout to make this current proposal acceptable. Officers therefore recommend that the Council do not enter into a S106 agreement that requires the applicant to gift land for the future provision of a roundabout. If an application was made in the future to develop the adjacent site the provision of the roundabout would be necessary and would be funded by the developer and secured by a S106 at that time. If the Parish wish to see the roundabout improvements undertaken now (in advance of any future development that may or not come forward) then provided it is identified within the place plan then CIL funding could be used to pay for it but there is no guarantee that it would. 15% of CIL funds can be spent in accordance with the Parish wishes and approximately 72% of CIL funds is spent locally at the discretion of the Council based on local priorities. However it is not for members to determine whether a roundabout or any other highway improvements should be funded by CIL as that is not a matter to be decided within the scope of this planning application.



With regards to the gift of land officers recommend that this should not be required to be secured by a S106 attached to this permission as this would be open to challenge and unlawful. If the applicant is willing to gift land now for the future provision of an enlarged and improved roundabout then they can offer this separately by a unilateral undertaking but this should not be taken into consideration or given any weight by members in determining this current application.

**The officers report and recommendation therefore remains the same as reported to the 18 September Central Planning Committee:**

**Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing at the time of the Reserved matters application and to secure the proposed highway improvements and a commuted sum for the future maintenance of the proposed vehicle activated signs.**

## 1.0 THE PROPOSAL

1.1 This application relates to Outline permission for residential development to include means of access with layout, scale, appearance and landscaping reserved for later approval.

1.2 The access will be off Holcroft Way which is the access road to High Cross Avenue off the main road (the A458). Although layout is not included and therefore not determined at this stage an indicative layout indicates 39 dwellings and public open space around the pond and trees to be retained. Information has also been submitted regarding highway improvements to the A458 including repositioning the 30mph sign, two new vehicle activated repeater 30mph sign and alterations to the mini roundabout and approach roads to the mini roundabout.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a parcel of land situated between the rear of houses in High Cross Avenue to the North and the disused railway line to the South. To the East and West are open fields.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

#### 4.0 **Community Representations**

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

4.1.1 **SC Public Protection – Specialist:** No objection in principle however would like to inform the applicant that at reserved matters stage details of how the development will take note of paragraph 35 of the NPPF should be given. Without information which is seen to be appropriate electric vehicle charging points may be recommended as a condition for all dwellings with off road parking.

4.1.2 **SC Highways DC:** The local highway authority raised some initial concern over the intensified use of the junction with Holcroft Way and the A458 due to a number of recent collisions at this junction involving right turning vehicles. Whilst the layout of the Holcroft way junction exceeds the requirements of modern design criteria, its proximity to the nearby mini-roundabout for the Atcham road appears to be the main contributory factor to the recently recorded incidents, as drivers are focusing on this junction and not on the preceding junction and travelled speeds over the mini-roundabout appear to be quite high.

A site meeting was held with the applicant's transport engineer in order to discuss possible options for improvement works to improve safety along this stretch of the A458 and therefore deal with our concerns. Further to these discussions a design has now been provided which includes the following measures:

-Repositioning of the existing 30mph terminal signs when entering Cross Houses from the Shrewsbury direction, as the existing location is on approach to the petrol station and the signs are not very conspicuous to approaching drivers. The signs are proposed to be relocated to the top of the bank near to Russell Place where they will be more conspicuous to approaching drivers.

-Provide two Vehicle Activated Signs (VAS's): one on the approach to the mini-roundabout when travelling from Shrewsbury and one on approach to the zebra crossing when travelling from Cressage. These will flash up the speed limit to drivers who are exceeding the speed limit.

-Improve the layout of the mini-roundabout to increase deflection for vehicles travelling straight-on along the A458 in order to reduce speeds and reposition the junction signs so they're in a more visible location.

-Alter the centre road markings on the A458 alongside Holcroft Way to provide more space for right-turning vehicles and to make the junction more conspicuous to approaching drivers.

The above measures have been investigated by the applicant's engineer and have been laid out on the supplied drawing number HW-RD-100. Having reviewed the design, we confirm that the measures are acceptable in principle to the local highway authority and we are of the opinion that these will help to reduce speeds and improve safety on the A458 and at the junction with Holcroft Way. The proposed access arrangements off Holcroft Way have been set out in accordance with local and national standards/guidance and we take the view that with the

proposed safety measures the junction between Holcroft Way and the A458 will be suitable for the additional traffic loading from the proposed development.

In transport terms we consider Cross Houses to be a sustainable location due to a small level of local employment, the ease of access offered by the A458 to Shrewsbury, the availability of some local services/amenities and access to a regular bus service between Shrewsbury and Bridgnorth.

Subject to a condition to obligate the provision of the proposed road safety improvement measures, we have no objection to the proposed development.

The proposed changes to the A458 will require an appropriate agreement with the local highway authority to allow the developer to construct them. It should be noted that the proposed vehicle activated signs will attract a commuted sum for future maintenance. Also, we understand the proposed estate roads will be offered up for adoption and therefore an agreement will be required under s38 of the Highways Act 1980 with the local highway authority.

#### 4.1.3 **SC Ecology:**

04.09.14

Great crested newts

Turnstone Ecology have confirmed in the September report that there will be no requirement for a licence from Natural England for the exclusion fencing or the development and have recommended a full suite of Risk Avoidance Measures (RAMs) for GCN to be produced prior to the start of any works. The RAM will also need to include installation and removal of the exclusion fencing. Turnstone Ecology recommend that Pond 1 is cleared out and enhanced for wildlife. These works will be included in the RAMs. Conditions and informative(s) are recommended in addition to those recommended 01 September 2014.

01.09.14

Confirmation should be provided by Turnstone Ecology that a Natural England licence in respect of great crested newts is not required for the development and the proposed exclusion fencing. Full Risk Avoidance Measures should be submitted so that they can be conditioned.

Conditions and informative(s) on other wildlife matters are recommended.

Bats

Further to my previous comments on the need to survey mature trees to be removed, the Location Plan and Proposed Block Plan Rev A show retention of existing mature trees. The hedgerows, stream and trees will offer bat foraging and commuting routes for bats. It is important that these are retained and that lighting is sensitively designed. Turnstone (2014) recommend erection of bat boxes and

bat bricks.

### Badgers

There is an active main badger sett in the immediate vicinity, with details provided in the ecology report, which should be kept confidential for this reason. The June 2014 Ecology report makes detailed recommendations on working methods to avoid any damage or disturbance to the badger sett.

### Reptiles

Turnstone (2014) note that the adjacent disused railway line and on-site pond are suitable for reptiles and make recommendations on working methods to discourage reptiles from using the site. I would presume that the amphibian fencing proposed would also prevent reptiles from entering the site and no additional precautions would be necessary.

### Nesting birds

The two mature trees on the site, together with other vegetation along the disused railway line and pond all have good bird nesting potential.

### Great crested newts

There is one pond (Pond 1) in the south west corner of the development site. Pond 2 is around 40m to the south of the former railway line and a further pond is around 250m to the south. Turnstone (2014) carried out six presence/absence surveys for great crested newts (GCN) on the first two ponds in May and June 2014.

One adult female and one adult male was found in Pond 2. No amphibians were found in Pond 1. No GCN eggs or larvae were found which would have confirmed breeding. Turnstone (2014) recommend precautionary mitigation measures including installation of temporary exclusion fencing for GCN before development and removed on completion of the works.

Confirmation should be provided that Turnstone Ecology are satisfied that there will be no requirement for a licence from Natural England for the exclusion fencing or the development.

The on-site Pond 1 has scope to be improved to encourage amphibians. These would need to take place during the GCN hibernation period (November to February). Hand searches by an ecologist would be needed before ground works around the pond. Turnstone (June 2014) have not recommended a full suite of Risk Avoidance Measures for GCN, which would be necessary in the absence of an EPS licence and fencing completely enclosing the site.

This additional information should be submitted and then appropriate conditions can be recommended.

**4.1.4 SC Trees:**

01.09.14

No objection in principle to the proposals on the grounds of trees as all the mature Oak trees on site are shown as retained in the indicative layout, with root protection areas (RPA) excluded from development. If the trees are to be situated in POS ownership, the responsibility of the trees should be established. A full application will require a Tree Protection Plan and Method Statement if any work such as surfacing or underground services impact on the RPA's.

26.06.14

There are two mature Oak trees on site and a group of trees around the pond. The Design and Access statement states that the two mature Oaks will be retained however only one of the trees is shown - the second tree sited in approximately plot 24 is not shown on the plan. Further details on the trees would need to be submitted if I was to support a full application. A tree survey, arboricultural implication assessment and a tree protection plan in line with BS 5837 2012 is required. The Oak trees should be sited in public open space not in small back gardens which would lead to proximity issues.

- 4.1.5 SC Drainage:** The outline drainage strategy is acceptable. Highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. A design is required demonstrating that gullies will be able to convey the 100 year plus 30% storm to the piped network. Further to previous comments suggests details, plans and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

**4.2 - Public Comments****4.2.1 Cllr Claire Wild – OBJECTS:**

1. The development is in open countryside on best agricultural land. Currently there is wheat growing in the field and last year there was oil seed rape. How is this sustainable use of good agricultural land? In the NPPF it states 'Planners should promote land of lesser environmental and economic value'.
2. The development provides no net gain for the natural environment. This again flies in the face of the NPPF.
3. The proposed housing would encroach on the old railway line which has become a wildlife sanctuary with many rare species making it their home including buzzards. This would have a detrimental impact on the natural environment, the NPPF states that 'Developments should enhance the natural environment'.
4. The local school is full; this would mean that the children of the families would have to travel into Shrewsbury for their education.

5. There is no provision for play facilities within this scheme. The only play facilities are the other side of the A458, an incredibly busy road and there have been no offers from the developer to install a pelican crossing to replace the current zebra crossing which has seen numerous near misses. Not providing site based play facilities within the scheme does not make the scheme sustainable.

6. There is very little local employment with the majority of the current residents travelling by car to work. The existing homes in Holcroft Way and High Cross Avenue includes a high level of shared ownership homes as the wage levels in this area are low. The proposed development only provides for two shared ownership homes. Therefore many local people will be unable to afford these residences and therefore I would argue that this development is not sustainable in terms of the local population and their social and economic needs.

7. The surface water from the proposed development would be collected in part in the dry pond at the top of the site. This is likely to increase the frequent incidents of flash flooding when heavy rainfall occurs. The current properties suffer from having their gardens flooded in heavy rain and due to the soil conditions the previous developer has constructed a large stone filled ditch to attempt to alleviate this problem which unfortunately still occurs on a regular basis. With the amount of hard surfaces being proposed and also water from the houses and garages I would question whether the surface water could be dealt with in an environmentally friendly way.

8. The NPPF states that housing developments must have access to high quality public transport infrastructure. The current bus service (the 436) is not a high quality service and the buses do not allow for disabled access. In addition to this the local bus service is heavily subsidised and has already seen reductions in service. The first bus leaves at 8am and the last bus is at 8pm - Monday to Saturday, there are no buses on a Sunday. In the mornings and evenings the service runs hourly, during the middle of the day it is 2 hourly. It is impossible to get to work if you are a shift worker or you do not work in one of the main settlements via the current service. This bus often does not stop in the morning as it is full by the time it reaches Cross Houses with students travelling to the Sixth Form and Shrewsbury colleges.

9. The junction into the development is inadequate. The junction is approximately 20 metres from a mini roundabout and there are no road markings to indicate a right or left hand turn into the development. This has caused a number of accidents over the recent months. As part of the proposed development improvements need to be made to this junction. In the applicant's traffic statement they suggested there would be 39 traffic movements at peak times, this number would, in effect, create tailbacks and prevent access to the Atcham Road causing even more congestion on or about the junction. However given that the applicant has indicated that the development is likely to include 3, 4 and 5 bedroom homes I would suggest that their traffic plan is underestimated. Living in a rural area such as Cross Houses, with poor quality bus service necessitates households having more than one car. It is not uncommon to see three bedroom homes in Cross Houses with 3 or sometimes 4 cars.



10. The Parish have consistently stated that they wish to stay as 'Open Countryside'. In the previous Local Plan period Cross Houses had 188 new dwellings, a large amount for such a small settlement (400). As with all new developments which take place in or adjacent to an existing development the residents need time to form a cohesive community. The A458 already provides a virtual barrier to community cohesion, one which the Parish has worked very hard to ameliorate; the addition of 39 new dwellings will do nothing to improve this situation.

In conclusion this proposed in development is not sustainable in economic, social or environmental terms. I urge you to refuse this application on the grounds above.

4.2.2 **Berrington Parish Council:** Does not support this application as Berrington is designated as Open Countryside and this is in conflict with that. A public meeting is to be held on Thursday 19<sup>th</sup> June for residents to meet and express their opinions and concerns. Further details of objections to follow after the Public Meeting

Following a Public meeting and further consultations with the residents of Crosshouses the Parish Council has the following objections to add to its earlier comments on this application:

1. The Parish Council is certain that this application flies in the face of the NPPF as there are no provisions being made for the natural environment within the application. The land is also in continual production with Wheat being the crop this year and Oil seed rape last year. This is good quality agricultural land. The Parish Council feels that the Planners should take heed of the NPPF where it says that Planners should promote land of lesser environmental and economic value and that developments should enhance the Natural environment which this application does not. It also takes no account of the natural habitat and sanctuary that the Old Railway line has become with some rare species taking up residence there. This includes a pair of nesting Buzzards.
2. Crosshouses had an increase of 47% development in the last Local Plan with 188 new properties being built which is huge increase for a small community. The residents of the parish have stated at many public meetings attended by Shropshire Council Officers that they wish to remain as Open Countryside and this application clearly goes against those wishes.
3. The public facilities which serve the community are at capacity with the local school being full and the public transport system which would be needed to transport any new children to schools in Shrewsbury is often full by the time it arrives in Crosshouses and does not even stop to pick up passengers. The 436 service is inadequate with no disabled access, this service is heavily subsidised and has been reduced and is at risk of further cuts in the current economic climate. The first bus leaves at 8am and the last bus is at 8pm - Monday to Saturday, there are no buses on a Sunday. In the mornings and evenings the service runs hourly, during the middle of the day it is 2 hourly. This makes it very difficult for those who work shifts or work somewhere that is not directly on the bus route and have no transport of their own.



4. The development has no recreational facilities shown within it and the present play areas within the parish would necessitate the children having to cross the very busy A458. The current pelican crossing would need to be upgraded and there is no offer to do this within the scheme. To make this development sustainable the applicants would need to provide some play facilities.
5. There is little local employment and most have to travel by car to reach their places of work. The wage levels in the area are low and a high level of homes on Holcroft Way and High Cross Avenue are shared ownership; the proposal is for only two affordable homes which will mean that the homes on this development will not be within the reach of local people. So this development does not fulfil the criteria of sustainability for the local population and their social and economic needs.
6. The drainage of the development does raise concerns as the existing drainage systems struggle to deal with increases of rainfall after heavy downpours. The current properties do have flooding in the gardens after heavy rain and this is a regular occurrence despite a large stone filled ditch built to help alleviate the problem. This site has been identified as being at risk of groundwater flooding.
7. The proposed development has large areas of hard surfaces and dealing with the excess rainwater would need to be dealt with in an environmentally friendly manner without compromising the existing system in place for the current residents.
8. Lastly the entrance off the junction causes grave concerns for residents and members alike. The suitability of the existing junction must be questioned with the potential extra vehicles exiting on to the A458 at peak periods when it will become a bottleneck for residents creating tailbacks and be almost impossible to gain access to the A458 to start their journeys to work. The junction is approximately 20 metres from a mini roundabout and there are no road markings to indicate a right or left hand turn into the development. This has caused a number of accidents over the recent months. As part of the proposed development improvements need to be made to this junction.
9. Given that the proposal is likely to have 3,4, and 5 bedroom properties there are likely to be in excess of the traffic movements as suggested by the applicants traffic statement. Many of these properties will have more than one vehicle particularly in a rural area with infrequent bus services as we have in Crosshouses.

In conclusion this proposed development is not sustainable in economic, social or environmental terms. The Parish Council would urge you to refuse this application on the grounds above.

4.2.3 34 letters of objection have been received summarised as follows:

#### **Principal/Policy/Need**

- ☒ Against the wishes of the residents of Cross Houses and the PC.
- ☒ The village has already seen significant development in recent years with an increase in the number of homes from approx. 187 in 1990 to approx. 343 in 2014 including 'The Chestnuts' for example.
- ☒ No need for more housing as housing on 'The Chestnuts' is proving hard to sell
- ☒ No demand for larger 4 and 5 bed housing

#### **Sustainability Criteria**

- ☒ Contrary to the Councils sustainability objectives SO2, 6, 9, 11, 13, 14, 15 and 16.
- ☒ The number of dwellings is too large for a village with limited facilities
- ☒ It will not provide a sufficient quantity of good quality housing, which meets the needs of all sections of society as it only includes a very limited number of affordable/social housing dwellings
- ☒ Cross Houses has very little employment opportunities with the majority of residents required to travel to a place of work daily
- ☒ The only employment opportunities are the 'Shropshire Homes Office'. The Bell Inn and the Post Office.
- ☒ The bus service does not support employment unless you work 9 to 5 in Shrewsbury or Bridgnorth and it is already over crowded on its peak services and sometimes doesn't stop.
- ☒ Cross Houses does not have any schools, doctors or dentists and the shop is a small convenience store so residents will have to travel by car to reach services and facilities including weekly shopping needs
- ☒ It will not reduce Shropshires contribution to climate change with most residents having to travel by car to reach services and employment
- ☒ The only facilities Petrol station, shop, post office, Playing field, Playground, Village hall, school bus stop, Phone box and Post box are all on the opposite side of the main road which is dangerous to cross.
- ☒ There is no enhancement but only detriment to the village
- ☒ The agricultural land is currently used for arable farming which has an

economic value to the farmer and farm workers and its loss increases the rate at which rural communities lose out financially through employment of local people

- ② The 59 construction jobs created will only be for the duration of building works.
- ② The village hall and playgrounds would benefit from CIL funds but there is no specific proposal to engage with the community to facilitate an upgrade of existing facilities.

### **Environment**

- ② On the approach from the South-East it would form an unacceptable intrusion into open countryside and any development would be visually detrimental to the rural surroundings of Cross Houses and visually extend the village on its approach.
- ② The existing farmland is a valuable habitat for wildlife including protected species
- ② The site is opposite an area of Special Landscape Character.
- ② The proposed site is approx. 1,000mts from Berrington Pool which is a Site of Special Scientific Interest and is designated a Ramsar site. It is also within 1,000mts of Venus Pool Nature Reserve and adjacent to a (previously protected) disused railway track which is now overgrown and is home to many species of plants and animals including protected species.
- ② Badgers, bats, newts, owls and other wildlife have been observed and there is no ecological survey work or report available to view by the public
- ② Any building and light pollution on the proposed site would have a dramatic effect on these valuable natural habitats and biodiversity will suffer
- ② The proposal will impact on the air quality in Berrington and result in noise, traffic and light pollution.
- ② The site is prime agricultural land
- ② Brownfield sites should be developed first
- ② The development could impact on the Oak trees on site

### **Highways/Access**

- ② Inadequate parking

- ❑ No pedestrian crossing
- ❑ The existing crossing is ignored and it is not safe to cross the main road
- ❑ No safe cycle and pedestrian route to Shrewsbury
- ❑ The traffic report is not realistic and is misleading in terms of the volume of traffic at the junction with the A458 and the speed of traffic on the A458
- ❑ Additional traffic in Holcroft Way will make it more unsafe for existing residents
- ❑ The junction with Holcroft Way and the main road and the nearby mini roundabout is already hazardous and this proposal will exacerbate this
- ❑ 39 houses will result in increased congestion at this junction

### **Residential amenity**

- ❑ Overlooking and a loss of privacy for existing residents due to properties being on a higher level
- ❑ Noise and disturbance from traffic and development compared to the existing tranquil countryside
- ❑ Loss of an open view and countryside
- ❑ Overshadowing and loss of light

### **Drainage/Flood risk**

- ❑ The development will contribute to flood risk.
- ❑ Water run off from this and adjacent fields has been responsible for the flooding of the A458 and this development will exacerbate this.
- ❑ Existing drainage systems can barely cope and this will exacerbate the situation.
- ❑ The site and neighbouring land is at risk of surface water flooding and flash flooding which will be exacerbated with the increased hard surfaced areas
- ❑ The existing gardens already get waterlogged and as the site slopes toward the existing houses and gardens this situation will be worse if developed.
- ❑ The surface water is proposed to flow towards an existing watercourse and existing pond but this would be uphill.

- ② The existing foul drain sewerage system already has problems and was not designed to take the amount of houses now feeding it.

### **Infrastructure**

- ② The amenities in the village such as schools and roads would not be able to support and accommodate the additional residents.
- ② The nearest primary school is oversubscribed
- ② The bus service cannot cope with demand at busiest times in the morning and is only 2 hourly during the day
- ② It has not been demonstrated that the sewage, telecoms, electricity and water suppliers has sufficient capacity to cater for the development

## **5.0 THE MAIN ISSUES**

Principle of development  
Highways/Access  
Scale, appearance and layout / visual and residential amenity  
Trees, Landscaping and Open Space  
Ecology  
Drainage  
Developer contributions - AHC and CIL

## **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 policies the National Planning Policy Framework (NPPF) has been published and also needs to be given weight in the determination of planning applications. 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 Paragraph 14 of the NPPF states that:

*‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of*

*date, granting permission unless:*

*— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or*

*— specific policies in [the] Framework indicate development should be restricted.'*

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.'*

The Council has published a revised 5 year land supply statement alongside the submission of the SAMDev plan which demonstrates that the Council currently has a 5 year land supply. However policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies).

6.1.3 The key issue in determining applications is whether adopted and emerging policies are considered up to date and what weight should be given to these policies balanced against the weight that can be given to other material considerations. The relevant Local Plan for Cross Houses is the SABC Local Plan and the adopted Core Strategy in addition to the SAMDev.

6.1.4 Cross Houses is identified as a HS3 settlement within the SABC Local Plan which identifies that residential development would be acceptable subject to satisfying the following list of criteria:

*(i) that the development lies wholly within the settlement as identified by the development boundaries on the proposals map;*

*(ii) that the development does not detract from the character of the settlement and is of an appropriate scale, design and character sympathetic to the immediate environment;*

*(iii) that the development does not result in the loss of any land in open use that is considered important to the setting and character of the settlement;*

*(iv) that adequate provision can be made for essential utilities;*

*(v) that an adequate and safe means of access exists or can be provided.*

It is considered that the proposal meets with (ii) – (v) of the above and will be



considered later in the report. However the proposed site is outside the development boundary and therefore this proposal would be contrary to this policy and has been advertised as a departure. However adopted local plan policies are at risk of being considered “time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’. This site is adjacent to a HS3 settlement where it is considered acceptable to support additional residential development and this demonstrates that it is the Councils opinion that Cross Houses is a sustainable location. It is therefore considered that the proposal should be supported provided it is considered to represent sustainable development, that it accords with (i) - (v) above and that there would be no adverse impact of approving it.

- 6.1.5 CS4 of the Core Strategy outlines how villages will be identified as Hubs or Clusters within the SAMDev DPD where additional development will be supported. Cross Houses is not identified as a hub or a cluster within the SAMDev DPD that was submitted for examination at the beginning of August. Paragraph 216 indicates that the ‘weight’ that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. With the submission of SAMDev the Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as they have not yet been found sound and consistent with the NPPF and there are significant unresolved objections which will not be resolved until the public examination. The Council’s view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone public consultation, where some weight can be attached but, pending examination and adoption, this needs to be considered with care alongside the other material considerations.
- 6.1.6 In this period prior to examination 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. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).
- 6.1.7 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.



## 6.2 Sustainable development

6.2.1 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2.2 Cross Houses is a large village with a range of services including a shop, post office, pub and petrol filling station and a regular bus service to Shrewsbury and a bus service to the primary school in Condover. The facilities in the village can be accessed on foot or by cycle, and Shrewsbury, which is a short car journey away, can also be accessed by public transport. 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 and a range of facilities and employment opportunities without over reliance on the private motor car and is certainly more sustainable than many settlements that have been put forward as Hub and Cluster settlements suitable for development.

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

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

6.2.4 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will

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

6.2.5 Social role – The proposal will provide up to 39 houses which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide affordable housing on site at the prevailing rate at the time of the reserved matters application. The current rate of 15% would provide 5 affordable houses on site with an off-site contribution. 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 settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Residents are concerned that the infrastructure is not capable of accommodating the new development and that the nearby primary school is already over subscribed and the bus service is at capacity for example. However infrastructure and education are in part funded by CIL contributions and increased housing numbers and population will help ensure services remain viable and that villages and rural communities remain or become more sustainable. Cross Houses is one of the larger settlements in Shropshire and up to 39 additional houses is not considered to be a disproportionate number that would adversely change the structure and character of the community.

6.2.6 Environmental role – The site is prime agricultural land but has no heritage, cultural or ecological designation. It is considered that the development of this relatively small piece of agricultural land of low ecological value would not be a significant loss that would justify refusal. The proposal would not result in any adverse ecological or environmental implications or loss of trees but would provide some ecological enhancements of the site including tree and hedge planting and better management of the existing pond and its surrounding vegetation (drainage, trees and ecology will be considered more fully later within the report). In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle to local services and facilities and by a short car journey or public transport to the array of services, facilities and employment opportunities in Shrewsbury.

6.2.7 It is therefore considered that the proposed residential development is acceptable in principle and would provide significant benefits having regard to the three dimensions of sustainable development and is in accordance with the NPPFs 'presumption in favour of sustainable development'.

### 6.3 Highways/Access

6.3.1 The vehicular access to the proposed development will be via Holcroft Way that joins the A458 near the roundabout at the Shrewsbury end of the village. Residents have raised concern about the difficulty of accessing the main road at busy times and also highway safety around the existing roundabout and pedestrian crossing due to speeding traffic on the main road. However this proposal will not actually increase the speed of traffic or significantly increase the volume of traffic using the A458 and would therefore not impact on highway safety or make it more difficult to access the highway at this point. The agent has provided a package of measures to help calm traffic and improve highway safety for all road users on the A458. These include repositioning the 30mph sign, two new vehicle activated repeater 30mph signs and alterations to the mini roundabout and approach roads to the mini roundabout and these are considered to be a significant benefit of the proposal. The highways officer has commented that the proposed measures will help to reduce speeds and improve safety on the A458 and at the junction with Holcroft Way. In addition the proposed access arrangements off Holcroft Way have been set out in accordance with local and national standards/guidance and highways take the view that with the proposed safety measures the junction between Holcroft Way and the A458 will be suitable for the additional traffic loading from the proposed development. Some residents have also commented on the impact of traffic from the new houses affecting highway and pedestrian safety on Holcroft Way. However this is an adopted highway and not a private drive or play area and it is not considered that the development would result in a significant increase in traffic or vehicles that would be driving irresponsibly or at speed any different to the traffic already using this road. It is considered that the proposal would not result in a significant increase in traffic using this road and that the proposal would not impact on highway safety at this point. In any case paragraph 32 of the NPPF advises that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. It is considered that there would be no significant adverse highway impacts of approving this development.

#### 6.4 **Scale, appearance and layout / visual and residential amenity**

6.4.1 This proposal is Outline with all matters other than access reserved for later approval. The indicative layout indicates an estate of predominantly family sized detached houses and semi-detached homes. This is only indicative to illustrate how the site might accommodate the number of dwellings indicated and it is considered that the site could accommodate up to 39 dwellings without appearing cramped or over developed and that would be in keeping with the adjacent housing. However as this application is only outline with siting, scale and appearance reserved for later approval the number (and density) of dwellings is not part of the proposal and would not be fixed by approval of this application. The number of dwellings and the layout could change completely and will be considered fully (along with scale and appearance) at the Reserved Matters stage as will the impact on existing residents and residential amenity. However it is considered that a development of an appropriate scale and design could be achieved that would not significantly and adversely affect the character and appearance of the locality and without any significant adverse impact on residential amenity.

6.4.2 Whilst it is accepted that development of this field behind existing properties will



change the view of open countryside enjoyed by existing residents there is no right to a view. The Public view of the site is already screened from the centre of Cross Houses by the existing development in High Cross Avenue. On approaching the village along the A458 from either the Shrewsbury or Bridgnorth direction the infill of the narrowest part of this field between the disused railway line and the rear of houses in High Cross Avenue will not appear prominent. The proposal would not result in the loss of a protected landscape and it is considered that the proposed site is an appropriate extension of the village up to the boundaries of the disused railway line making efficient use of the narrowest part of this field. Additional tree and hedge planting along the boundaries with the larger field areas either side will provide additional screening and ecological enhancement.



## 6.5 Trees, Landscaping and Open Space

- 6.5.1 There are two mature Oak trees on site and a group of trees around the pond. The revised indicative layout plan indicates that these will be retained. A tree survey, arboricultural assessment and tree protection plan have been submitted and the tree officer has no objection as all trees will be situated in open space with root protection areas (RPA) excluded from development. However the layout is indicative and simply indicates that the site is developable without the loss of existing mature trees. The layout and landscaping, including open space provision, will be determined at the reserved matters stage. For a development of more than 20 houses recreational open space should be provided on site in accordance with the IPG. Although some residents and the PC are concerned that a play area is not being provided the IPG is clear that equipped play areas should be funded by CIL and that additional developer contributions are not required to fund play areas within the recreational open space provided on site. Detailed landscaping and open space provision will be determined at the reserved matters stage and if it is decided that a larger area of recreational open space is required the number of units will be reduced to accommodate this as the number of dwellings is not fixed by this proposal. A revised tree protection plan will also be required to reflect the

layout proposed at the Reserved matters stage but officers consider that the site is developable without the loss of mature trees either within or near the boundaries of the site.

## 6.6 Ecology

6.6.1 Concern has been raised about the ecological implications of the proposal and the impact on protected species and wildlife both on the site and the adjacent disused overgrown railway line and that the proposal does not address this. Some of the concern has been generated due to the original and revised ecology reports not being made public due to the presence of badgers and therefore the public have been unable to appreciate the assessment that has been undertaken. Detailed survey work has been undertaken and an ecological assessment has been provided that assess the impact and also recommends mitigation measures and safe working methods in order to maintain and increase biodiversity of the site and protect adjacent habitat. The Councils Ecologist has no objection to the proposal subject to conditions to ensure that the ecological mitigation and protection measures suggested within the report are adhered to. It is considered that subject to these conditions being imposed the proposal would have no impact on protected species or the adjacent disused railway which will continue to function as a green corridor. Although the proposal will result in the loss of a field this is in agricultural use and therefore of low ecological value compared to the homes and gardens that will replace it and provide a variety of habitat for wildlife. The boundary hedgerow and mature trees within and adjacent the site will be retained and additional tree and hedgerow planting along the new field boundaries and the boundary with the railway line will also provide longer term biodiversity value and enhancement. The condition of the pond is poor and does not currently support breeding amphibians or much other aquatic life and the pond and its surrounds will be enhanced to encourage a greater diversity of plants and wildlife. It is therefore considered that the proposal would have no adverse ecological implications and would actually provide enhancement and improve bio-diversity.

## 6.7 Drainage

6.7.1 Surface water drainage - Many of the concerns raised by residents relate to drainage issues and in particular the run off from the existing field. This situation will be improved as the proposed surface water drainage strategy outlined in the amended highways and drainage report reduces run-off rates to less than green field by the use of oversized drains to hold the water and a hydrobrake that will restrict outfall and release water in a controlled manner to the small watercourse to the West. The Councils drainage officer has approved the surface water drainage strategy and it is considered that the proposal will not result in increased surface water run off from the site any greater than already exists and will likely reduce the risk of flooding of adjacent land and properties as the proposed system will capture and collect water flow at source and direct it in a controlled manner to the water course to the West. A condition will be imposed regarding full details of the proposed surface water drainage being submitted for approval as part of the reserved matters that reflects the actual layout at that stage and to ensure its future maintenance.

6.7.2 Foul drainage – The agent has confirmed that foul drainage will be collected via a new piped system that will discharge to the existing foul water sewer located in Holcroft Way and A458. The proposed site sewers will be offered for adoption to the Local Water Authority under the terms of a Section 104 Agreement of the Water Industry Act 1991.

## 6.8 **Developer contributions - AHC and CIL**

6.8.1 The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 15% a development of up to 39 houses would include 5 affordable homes on site together with an off-site contribution. The proposal will also be liable for a CIL payment. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions for education, highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans. Notwithstanding this proposal does include highway improvements that will be secured by S106 and will benefit existing and future residents.

## 7.0 **CONCLUSION**

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees, and have no adverse highway or ecological implications subject to conditions being imposed, and landscape details and open space provision will be determined as part of an application for reserved matters. The on-site affordable housing provision and any balance of AHC and the proposed highway improvements will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

☒ As with any planning decision the applicant has a right of appeal if they disagree



with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 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 Policies: CS4, CS5, CS6, CS11 and CS17

Saved SABC Policies: HS3

11. Additional Information

List of Background Papers: File 14/02406/OUT
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Claire Wild
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 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 one year 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. Full details, plans and calculations of the proposed SuDS including information on the proposed maintenance regime for any sustainable drainage system proposed and details of who will take responsibility, should be submitted for approval as part of the first application for reserved matters. The SuDS shall be implemented as approved prior to the first occupation of the dwellings

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

5. As part of the first application for reserved matters 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.

6. As part of the first application for reserved matters a Construction Method Statement shall be submitted to 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.

7. As part of the first application for reserved matters details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water shall be submitted to the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

8. As part of the reserved matters details of ten bat boxes or bat bricks shall be submitted and shall be erected prior to the first occupation of the dwellings.

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

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

9. No development or earth moving shall take place or material or machinery brought onto the site until Risk Avoidance Measures for great crested newts have been submitted and approved and protective fencing has been erected on site in accordance with the approved Ecological Survey Report by Turnstone Ecology revision 02 report dated September 2014. The approved Risk Avoidance Measures shall be implemented as approved prior to commencement of any work on site.

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

10. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Survey Report by Turnstone Ecology dated August 2014 and as amended date September 2014.

Reason: To ensure the protection of badgers, a protected species.

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

11. The highway safety measures proposed by the applicant on the adjacent A458 as set out on drawing number HW-RD-100 shall be fully implemented in accordance with the agreed design prior to the first occupation of the proposed residential development hereby proposed.

Reason: in the interests of highway safety.

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

12. 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.

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

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

14. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

15. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.



Committee and date

Central Planning Committee

16 October 2014

## Development Management Report

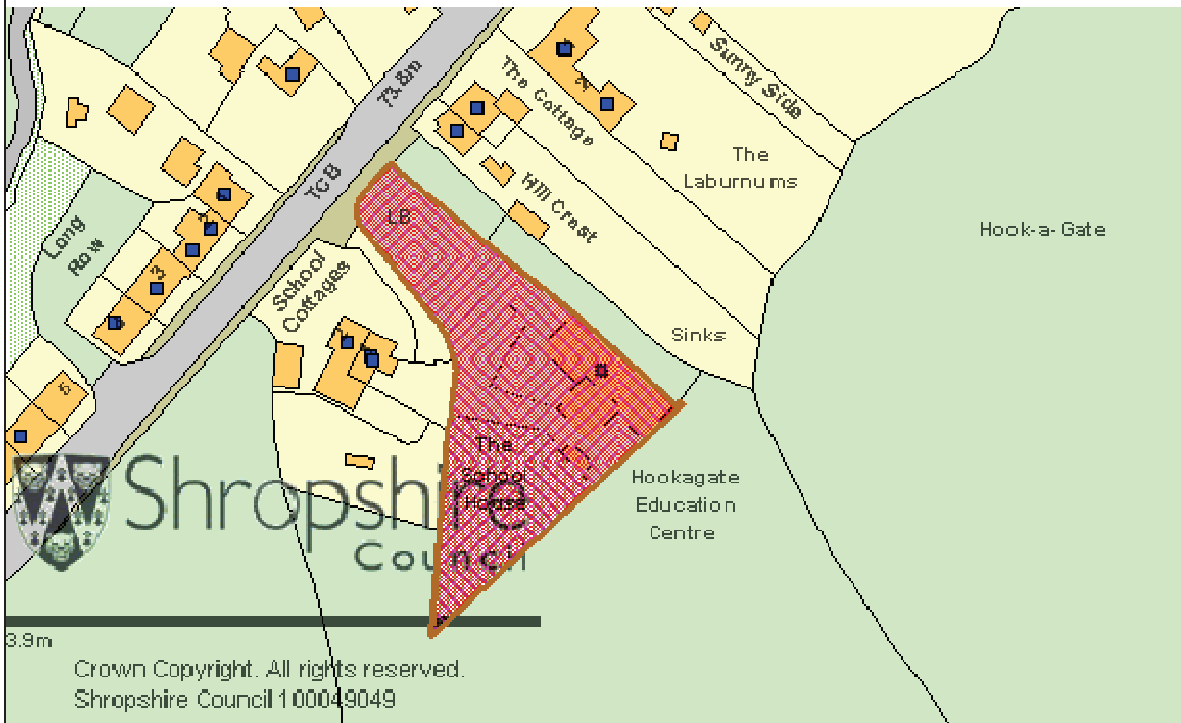
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 14/03059/FUL	<b>Parish:</b> Longden
<b>Proposal:</b> Erection of two storey extension and bell tower to facilitate use of school building as children's nursery; change of use of agricultural land to play area; formation of vehicular access and parking area (part retrospective)	
<b>Site Address:</b> The Old School Hookagate Shrewsbury Shropshire SY5 8BE	
<b>Applicant:</b> Mr & Mrs A Phillips	
<b>Case Officer:</b> Steve Drury	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 346517 - 309037



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



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks permission for the following works at The Old School, Hook-a-gate, Nr Shrewsbury: -

- Erection of a two storey side and rear extension
- Various external alterations to existing building including the addition of a bell tower and removal of a chimney
- Alterations and improvements to site entrance
- Changes to site levels in order to accommodate an enlarged car park
- Change of use agricultural land to the rear of the site to accommodate an outdoor play area
- Extensive landscaping of site

1.2 The proposed works are required in order to accommodate a Children's Day Nursery at the site.

1.3 The applicant operates an existing childrens day nursery from their existing site at Hillside House, Lyth Hill, which presently has planning permission for 58 spaces. The business has now outgrown this site and the applicants are therefore looking to expand onto a second site at Hook-a-gate. The proposed development will provide a facility that has capacity for 74 children on site, however, the applicants have agreed to a condition restricting the nursery to 60 spaces.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in the settlement of Hook-a-Gate, which is located approximately 5 miles south west of Shrewsbury. It is located in the centre of the village, to the south of the main road. The site contains the former village school and school house which have been vacant for a number of years.

2.2 The site is roughly triangular in shape, wide at the rear and tapering to its narrowest point at the front where it meets the highway. The site is also located on sloping land, rising uphill to the south with the lowest point at the front alongside the highway. The old school and attached school house are located to the rear of the site, set well back from the highway in an elevated position in relation to surrounding buildings. The school and house are of a traditional 'school building' design, containing a number of decorative features, however, a modern, unsympathetic red brick extension has been added to the front of the building. The buildings are unlisted but do contain considerable character.

2.3 No's 1 and 2 School Cottages are the neighbouring properties located to the west of the site and are at a lower level than the development site. No. 1 School Cottages is the property nearest the site and contains windows which face south and west. A number of properties are located to the north of the site, the nearest of which are Hillcrest and The Cottage. Across the highway at the front of the site is Reabrook Villa.

- 2.4 Vehicular access to the site is provided to the site from the main road via an existing single width entrance in the north corner of the site. A small car park is located at the front of the site at street level and access to the school building is provided by a raised ramp leading to a small tarmaced area in front of the building. An overgrown garden area was originally located at the rear of the site in the south corner, however, this has since been extensively cleared by the applicant and partly re-levelled in preparation to accommodate the proposed extension. Works have also been carried out at the front of the site to begin level alterations to accommodate additional car parking and improved vehicular movement through the site. A protected Yew Tree has been retained alongside the west side boundary.
- 2.5 Agricultural fields are located to the rear of the site which are accessed via a track extending along the north east site boundary. The application includes the change of use of a narrow strip of the field to be used as an outdoor play area and works have already commenced to provide this area, by the removal of the existing boundary and insertion of a new post and wire fence.
- 2.6 The front of the site contains a number of items of parish council paraphernalia including a parish notice board, wooden seat/bench, post box and two telegraph poles. A BT telephone box has already been removed from site.

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

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

### **4.0 COMMUNITY REPRESENTATIONS**

#### 4.1 Consultee Comments

##### 4.1.1 Longdon Parish Council

The Parish Council objects on a number of grounds. The amount of traffic generated by the development would create excessive pollution and a road safety issue, affecting both pedestrians and motorists.

There will be a significant loss of privacy to neighbouring properties.

Finally, there will be nowhere for the school children to catch the bus to school. The school bus, at present, stops outside the proposed development site and there will be a significant obstruction with children being picked up and dropped off at the nursery.

In conclusion, the site does not have the capacity for the projected number of children that will be in attendance at the new nursery.

##### 4.1.2 SC Public Protection

The hours of construction are conditioned due to the close proximity to existing residential dwellings. It is also recommended that no burning shall take place on site during both construction and clearance of the site. This is to protect the amenity of the area and the health and wellbeing of nearby residents.

#### 4.1.3 SC Drainage

The surface water proposals in the Design and Access Statement are acceptable.

The car parking area should shape towards the twin 900 mm attenuation drainage system. Proposed levels of the car parking area should be provided.

The size of the 100mm and 150mm diameter pipes from the French Drain to S7 should be checked.

#### 4.1.4 SC Trees

A significant Yew tree protected by a TPO, is present on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the category allocated to the tree and would agree that it is appropriate.

It is proposed to form an access roadway around the existing tree. This will utilise a no dig construction method and will also involve a program of soil improvement within the trees Root Area. A comprehensive arboricultural method statement ref: F&AS/AIA/0100/2014 detailing all works within the RPA of the tree has been submitted with this application. I have examined this AMS and am satisfied that, providing it is followed in detail, the risk of the work being significantly detrimental to the health or amenity provided by the tree is very low.

No objection is made to the application subject to the provisions of the AIA & AMS being followed in full.

#### 4.1.5 SC Ecology

Raise no objection subject to the addition of conditions and informatives to any planning permission, concerning Bats, nesting birds and Badgers.

##### Bats:

Surveys revealed a roost of Common Pipistrelle bat emerging from behind the barge boards on the eastern gable of the hall building and from under a ridge tile. It was concluded that this roost is used periodically by a small number of Pipistrelle. An EPS licence from Natural England will be required prior to the commencement of works on site. Pearce Environment Ltd has recommended bat mitigation in the form of; an ecological clerk of work overseeing bat related work on site, contractors tool box talk, erection of a bat box on the exterior of the building before work commences, the inclusion of a Schwegler 1FR bat box in the proposed extension, retention of a ridge gap, and post development monitoring.

##### Nesting Birds:

The site has the potential to support nesting birds. Bird nesting opportunities should

be incorporated into the site design as detailed in the ecological report.

**Badgers:**

There is an inactive badger set within close proximity of the proposed development. Pearce Environment has provided mitigation measures for badgers in the form of a 10m fenced standoff from the sett.

**4.1.6 SC Highways:**

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

A number of discussions have previously taken place with the applicant in order to set out the local highway authority requirements for the consideration of the proposed extension of the existing school building in order to establish a nursery facility. Clearly due to the nature of daytime child care facilities they attract a stream of vehicle movements are various times throughout the day between the proposed opening hours of 07:50 to 18:00, however this has the advantage that movements to and from the site will be spread out over the course of the day.

Given the specific nature of the proposed business and that the applicant operates an existing successful rural nursery at Lyth Hill, we asked the applicant to survey the use of their existing site to demonstrate the number of vehicle movements to and from and the number of vehicles parked at the nursery during the working day. Consequently in response to this within the design and access statement the applicant has provided results of a detailed survey carried out between Monday 14th to Thursday 17th April. The results of this survey have been used by the applicant to determine the level of parking required on the site with the proposed parking layout shown on drawing number HG-DL-101 Rev B.

The proposed site layout indicates that eight staff and 10 customer permanent parking spaces would be provided, plus two additional drop off spaces to the front of the building; given that the survey showed that a maximum of 16 vehicles were noted on the Lyth Hill site, we are of the opinion that the level of parking proposed is sufficient for the intended use and capacity of the development. Also given the topography of the site (the building is elevated some meters above the level of the road) and the linear nature of the car park, it is unlikely that parents will want to walk far to the building and should the parking spaces be full parents will be able to drive close to the building and stop in the car park. Both of these factors lead us to believe that parking on the adjacent highway in relation to the proposed development will be unlikely. Due to the need to establish the proposed parking arrangements prior to the occupation of the development to avoid parking on the adjacent highway, we have requested a condition restricting the use of the development until this has been completed.

Moving on to the point of access at Longden Road, this has been the cause for much discussion with the applicant and other interested parties. Whilst the existing site benefits from an existing access to the old car park/playground, in its current form we are of the opinion that it is not suitable for the intended level of usage on the site due to its narrow width and sub-standard visibility in the Shrewsbury direction. The applicant has therefore worked up a solution to provide a widened access which deals with the above issues which we view as being suitable for the

proposed nursery use. However, the proposed access works will displace a number of items of street furniture which are sited on the applicants land and are off the public highway. This issue has been subject to much debate and BT have already removed a public phone box sited here, but having checked our highway authority records we have confirmed this piece of land is outside of the highway so we can only assume that at some point in the past the school wall has been constructed back from the land ownership boundary to provide space for these items. We have advised the applicant that should the application be approved they will need to negotiate the resiting of these items with the parish and respective organisations prior to commencing any work on site. It would appear from the supplied drawing that there should be sufficient space to retain the items in the area of land immediately to the south-west of the access. However as this land is outside the current highway boundary other than dealing with the licencing of the access changes, the local highway authority has no direct powers in this matter at this time.

#### 4.2 Public Comments

4.2.1 At the time of writing, the application has received 27 comments, of which 10 are objections and 17 are in support. The comments are available in full on the planning file but the key points have been summarised as follows: -

#### 4.2.2 Objections:

##### Parking Problems:

- Not enough room at the proposed site to accommodate required parking
- Will lead to parking on the road

##### Highways Issues:

- Additional traffic will cause problems on the road
- Conflict with farm traffic and heavily loaded agricultural vehicles using the road
- Increased likelihood of accidents
- Visibility at entrance to the site
- Site frontage acts as informal bus stop
- Additional vehicle emissions from increased traffic
- The increase in vehicular movements will be inconvenient and dangerous for both pedestrians and other motorists in the vicinity.
- Neighbours may find access to their own properties blocked as a result of the congestion.

##### Impact upon Neighbours:

- Proposed development will overlook neighbouring property,
- Neighbours will suffer a loss of privacy
- Proposed extension will dominate views from neighbours property
- Very little landscaping proposed to screen development
- Use of opaque glass will not be sufficient to protect the neighbours privacy
- Noise and disturbance from use of site, including car doors banging, parents chatting, children playing, all within in close proximity to boundary.
- Light pollution from floodlit car park
- The privacy of certain neighbours will be placed in further jeopardy by the proposed increase in windows of the Old School House.



- Neighbours will be severely affected by the volume of cars using the site
- Is likely to create ill feeling amongst local residents

Ecology Issues:

- Clearance of the site will result in destruction of mini ecosystem and wildlife habitat

Other matters:

- Loss of post box, telephone kiosk, bin, memorial bench, street light and notice board – facilities making up the heart of the village.
- Site frontage is local meeting point
- Size of development is too large for small rural village
- Loss of 'Old School' name – matter close to the heart of village identity is to disappear in the name of commercial gain
- The development will ruin the peaceful nature of the village.
- The owner of the development site is claiming land, adjacent to the highway, which belongs to the council.
- The local drainage system will be unable to cope with the increased usage that would result from the development.
- The development proposes an unacceptable use of agricultural land (as a playground) and an unacceptable infringement on the open countryside.

4.2.3 Support:

- A nursery on the proposed development site would thrive as a result of being in the capable hands of the experienced Janet and Alfie Phillips and because of the fantastic local environment.
- The Phillips's existing nursery benefits enormously from its rural location and presumably the proposed nursery would also.
- The Phillips', who are passionate about what they do, run a local business that is professionally run, provides an excellent service, employs local people and supports and utilises local services. For these reasons the Phillips' should have the support of the local community, which will only benefit further as a result of the approval of the proposed development.
- The Phillips' are excellent employers. Their existing nursery has a happy and content workforce that fully supports the expansion of the Phillips's business and welcomes the opportunities that would arise as a result.
- The presence of a nursery would make Hook-a-Gate a more desirable place for parents of young children to live.
- The nursery operates between 8am and 6pm. Unlike at a school, children will arrive and leave at various times. Also many children will share lifts. It is extremely unlikely that 60 cars picking up 60 children will all arrive at the same time. Therefore the traffic is unlikely to ever be excessive.
- The operating hours are not unreasonable times for there to be an increase in noise.
- The proposal supports the Government policy entitled 'Improving the quality and range of education and childcare from birth to 5 years'.
- The proposed development is far more favourable than housing being built on the site and resurrects a fantastic building that is in danger of falling into disrepair.
- Any improvement on the overgrown grounds of the site will be fully



welcomed.

## **5.0 THE MAIN ISSUES**

Principle of Development  
Siting, Scale and Design and Visual Impact  
Highways Issues  
Impact Upon Residential Amenity  
Drainage Issues and Flood Risk  
Trees Issues  
Ecology Issues  
Other matters

## **6.0 OFFICER APPRAISAL**

6.1 Principle of Development

6.1.1 The proposal concerns alterations and extensions in connection with the provision of a Childrens Day Nursery at the site. The proposed use as a nursery carries the same use class (D2) as a school or educational use and therefore does not involve a change of use. The principle of extensions and alterations to an existing commercial premises is considered acceptable, subject to compliance with the requirements of relevant planning policies within the Shropshire Core Strategy, including CS6, CS17 and CS18.

6.1.2 The proposal will also involve the change of use of a small strip of land currently located within the field to the rear of the site. The land will therefore change from an agricultural use and will be incorporated within the nursery site to be used as an outdoor play area. Whilst proposals that involve encroachment onto adjacent agricultural land are not normally supported, in this instance, the parcel of land is relatively small (measuring a maximum of 6 metres deep), is discreetly located behind the building and will not have any significant impact upon the character and appearance of the area. It is therefore considered that in this instance, the proposed change of use can be supported.

6.1.3 The proposal will see a vacant building of local interest returned to use and will help an existing local business to expand and deliver a service to the local community. Policy CS8 seeks to provide access to additional facilities, services and infrastructure provision throughout Shropshire on appropriate sites and Policy CS13 advises that Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, sustainable economic growth and prosperous communities. The National Planning Policy Framework (NPPF) also requires planning authorities to support the sustainable growth and expansion of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings (Para. 28). The NPPF contains a presumption in favour of sustainable development. It advises that there are three dimensions to sustainable development – Economic, Social and Environmental roles.

6.1.4 The existing business at Hillside House, Lyth Hill contains day nursery provision for 58 children and has an Ofsted rating of outstanding for 3 consecutive inspections in all areas. The business provides care and education for children ranging from 3 months to 4 years of age. The business has reached full capacity but has a waiting

list of children of all ages and is looking to expand.

- 6.1.5 The proposed development would provide a new day nursery with a capacity of 60 children. In addition to the provision of a local service, the proposal will also provide economic and community benefits to the local area. If permitted, the new nursery would provide 8 new full time and 2 part time (equating to 9 FTE) jobs and opportunities for staff development will be available in the form of vocational courses, training, school placements and apprenticeships. The nursery could also act as a community meeting centre and would provide an opportunity for local children to meet and interact giving a foundation for primary school. The development would also provide jobs for local tradesman during the construction period.
- 6.2 Siting, Scale and Design and Visual Impact
- 6.2.1 The proposed development will include the erection of a two storey extension to the side of the existing school building. The extension will be erected on an L-shaped footprint measuring a maximum of 17.5m wide and 11.8m deep and will include a section projecting out to the front containing a large two storey gable. The front elevation will be constructed using facing brick to match the existing school, however, the side and rear will be rendered along with the existing rear elevation and the modern, existing single-storey addition to the front of the school. The roof will be tiled using plain clay tiles and will contain a single dormer in the front elevation together with five dormers in the rear. The front elevation will contain decorative features such as stone window and door surrounds and decorative windows to replicate those found in the existing school building. Doors and windows in the side and rear elevations are of a more standard design.
- 6.2.2 At the request of officers, the applicants have carried out amendments to the plans to reduce the height of the proposed extension to match the existing building. The extension has now been designed to reflect the scale and proportions of the existing school building and as such, the height at the ridge line will align with the ridge in the existing school house. This will help to maintain a constant building height when viewed from the front of the site. The overall height of the extension will rise to 7.2 metres.
- 6.2.3 Officers are mindful that the existing school building occupies a raised location within the site given the rising land contours to the rear of the site. Any extension will therefore be clearly visible from the highway frontage, however, weight should also be given to the fact that the building is set well back within the site, thus limiting the likely impact the proposal will have upon the character of the area. Officers are also mindful that the existing building, whilst not listed, is a historic building with an interesting history and does contain considerable character. Unfortunately, it has been the subject of modern alterations and an unsympathetic single storey extension has been added to the front of the building which has to a certain extent harmed its character.
- 6.2.4 Officers do note that attempts have been made to provide a sympathetic design which compliments the character and appearance of the building and have also indicated further alterations to the existing single storey to provide a more sympathetic form of development. It is proposed to add a pitched roof and a bell

tower as an acknowledgement of the buildings former use. It is also intended to add stone surrounds and decorative windows to match the existing building.

- 6.2.5 Whilst the proposed extension would be a substantial addition to the existing property, it has been sympathetically designed and amended to match the height of the existing building. The proposal is therefore considered appropriate in scale and design and can be accommodated by the plot size without appearing cramped. It is also noted that the development includes provisions to enhance unsympathetic parts of the existing building. Officers therefore consider the proposal to be appropriate in scale and design, taking into account local context and character and on balance, this aspect of the proposal is considered to comply with Policies CS6 and CS17 of the Core Strategy.
- 6.2.6 A consideration of the impact upon neighbouring residents is carried out in Section 6.4.
- 6.3 Highways Issues
- 6.3.1 Given that school building carries the same use classification as a children's day nursery, the applicants could operate their business from the existing building without restrictions from the planning or highways authority. However, the applicants wish to extend the existing building in order to increase the capacity of any day nursery provided on site. The proposed extension will provide capacity for up to 74 children and babies, however, the applicants have indicated they would be prepared to accept a condition restricting capacity to 60 children. The application therefore requires a consideration of the suitability of the site to accommodate a development of the size proposed from a highway safety perspective.
- 6.3.2 In order to assess the likely impact upon highway safety, officers have requested that the applicant provides details of the typical vehicle movements and parking requirements associated with the business on a typical working day. The applicants have carried out a traffic survey at their existing premises between Monday 14th to Thursday 17th April 2014, the results of which have informed the design of the proposed parking layout shown on drawing number HG-DL-101 Rev B.
- 6.3.3 The traffic survey has indicated that the existing nursery, which has a capacity of 58 children, generates vehicle movements throughout the day from 07:45 to 18:00 hours, which typically can be separated into 5 peak times consisting of 07:45-09:00, 09:30-09:45, 12:30-13:00, 15:30-16:20 and 17:20-18:00. These patterns are not unexpected and correspond with the start and finish of the working day together with start and finish times of local schools. It is anticipated that similar patterns could be expected at the proposed site, spread across proposed opening hours between 07:30 to 18:30 hours. The survey also identifies that the average time for 'drop-offs' is 3 minutes with 'pick-ups' taking slightly longer. The assessment of the current site is that the current provisions of 8 parking spaces for staff and 8 public spaces is sufficient to accommodate current demand.
- 6.3.4 Parking Provision:  
The proposed site layout indicates that eight staff and 10 customer permanent parking spaces would be provided, plus two additional drop off spaces to the front of the building. Given that the survey showed a maximum of 16 vehicles noted on

the Lyth Hill site at any one time, officers are of the opinion that the level of parking proposed is sufficient for the intended use and capacity of the development.

- 6.3.5 Given that officers consider the on-site provisions to be sufficient, it is not considered likely that overspill parking on the adjacent highway would be likely. Furthermore, it is considered that the topography of the site and the linear nature of the car park will make it preferable for parents to drive into the site to drop off their children in the 'drop-off' spaces immediately in front of the building as opposed to parking on the highway. However, should planning permission be granted, a condition will be attached requiring the parking arrangements to be provided prior to the occupation of the development to avoid parking on the adjacent highway.
- 6.3.6 Access:  
The vehicular entrance to the site has been the subject of much discussion as part of this application. Whilst the site benefits from an existing access to the old car park/playground, in its current form Highways Officers are of the opinion that it is not suitable for the intended level of usage on the site due to its narrow width and sub-standard visibility in the Shrewsbury direction.
- 6.3.7 The proposed development therefore includes provisions to widen the existing access to 6 metres which will allow sufficient space for vehicles to enter and egress the site simultaneously and to enhance visibility for vehicles leaving the site. Concerns have been raised by local residents and the Parish Council that the proposed widening of the access will require the removal of a number of items of street furniture at the front of the site, including a parish notice board, memorial bench, waste bin, post box, street light and telegraph pole. A BT phone box has already been removed from the site frontage to accommodate the widened access. This strip of land and the items located on it are currently the subject of a dispute over their ownership, however, whilst this is acknowledged, it is not a matter in which the planning department can become involved and is not relevant to the consideration of this application.
- 6.3.8 Notwithstanding the above concerns, officers have agreed that a widened 6 metres wide access can be provided without the need to remove the items of street furniture concerned from their current location at the front of the site. The applicant has confirmed in writing that there is no intention to remove these items from their current position. Highways officers have confirmed that sufficient space is available alongside the access to the south-west should any of the items need to be re-sited further across, however, at present there is no suggestion that this will need to take place.
- 6.3.9 Having considered the proposed access alterations, officers are satisfied that the widened, improved access would be sufficient to accommodate traffic movements likely to be associated with the proposed nursery use at the site. Officers are therefore satisfied that the widened access can be provided without requiring the loss, removal or relocation of the street furniture at the front of the site. Also following discussions with the applicant, the local highway authority and the parish council, it has now been agreed that subject to the surfacing being improved around the items of street furniture, the local highway authority are happy to adopt this area as highway maintainable at public expense.

#### 6.3.10 Surrounding Road Network:

It is noted that concerns have been raised by the public regarding the suitability of the local road network to accommodate the associated increase in traffic levels which may be generated by the development. The site is served by Longden Road which is a classified C road linking Shrewsbury with settlements of Annscroft, Longden and beyond and is considered to be a sufficient standard of road to accommodate any additional traffic movements resulting from the development. However by nature child day-care facilities tend to attract by-pass trips by parents travelling on their way to work, so the development is unlikely to generate a material increase to the number of vehicle movements through the village.

#### 6.4 Impact Upon Residential Amenity

6.4.1 It is noted that a number of concerns have been raised by local residents in relation to the proposed development. These concerns will be considered as follows: -

6.4.2 As the nearest residential property to the proposed development, the owners of No. 1 School Cottages have expressed a number of concerns regarding the likely impact upon their own property and their future quality of life. The proposed extension will be erected on land to the rear of that property which is on higher ground and as such, will be clearly visible from the rear of their property. Whilst extensive site clearance has taken place, a protected Yew tree will be retained on site which will help to partially screen the extension and soften any impact when viewed from the rear of their property. The back to back distance between the property and the extension will be 28 metres which is fairly generous by modern standards, and whilst the proposal will be located on higher ground, it is noted that the first floor will be provided within the roof structure and the height of the extension has been reduced, thus helping to reduce the scale and mass of the building. The amended ridge height of 7.2 metres will replicate the existing building and is not considered to be excessive. Having regard to the above considerations, it is not considered that the proposal would have an overbearing impact upon the neighbour, nor would it result in an unacceptable loss of light at that property.

6.4.3 The applicant has agreed that the first floor windows in the front elevation of the proposed extension will be obscure glazed to prevent any additional overlooking of the neighbouring property at 1 School Cottages.

6.4.4 Whilst it is acknowledged that extensive tree and vegetation clearance has taken place within the site, such clearance works would not have required planning permission and are therefore outside the control of the planning system. The concerns raised by the neighbour in relation to overlooking and a loss of privacy are noted, however, it is considered that the existing vegetation within the neighbours boundary, the existing boundary fence and the protected Yew tree will be sufficient to maintain the neighbours privacy and to ensure that they are not overlooked at an unacceptable level.

6.4.5 Notwithstanding the above, should the application be approved, a condition would be added to any planning permission requiring confirmation of boundary treatments to be provided around all parts of the site. As part of this process, officers will explore with the applicants, the possibility of providing additional screening along



the west side boundary.

- 6.4.6 Officers also note the concerns raised in relation to the level of activity and the associated noise and disturbance which can be expected as a result of the proposed use of the site as a nursery. Clearly a significant number of vehicle movements will take place within the site, involving vehicles driving up to the building entrance to drop off children and vehicles parking in the allocated spaces along both sides of the car park. It is likely that such activities will generate noise including car engines revving and car doors slamming together with noise from parents conversations, children playing together with light emitted from headlight beams as cars manoeuvre around the site during winter months. Officers acknowledge that such activities are likely to have an impact upon the neighbour at 1 School Cottages, however, it is considered that any impact will be mitigated to a certain extent by the position of the 1.8 metre high solid, timber panelled fence with intermittent tree screening along the west side boundary. In addition, the opening hours of the nursery will be limited to weekdays only, more specifically between the hours of 07:30 and 18:30. It is therefore considered that any activities and associated noise or disturbance occurring at the site would not occur at unsociable hours or during weekends or bank holidays. Officers are also mindful that an educational use has occurred on the site for a number of years therefore whilst the nature of the use will be intensified, noise and activity will have occurred at the site previously, without restrictions on hours.
- 6.4.7 Should the application be recommended for approval, it is intended to add a condition preventing any external floodlighting of the car park without first agreeing details with the planning department.
- 6.5 Drainage Issues and Flood Risk
- 6.5.1 Surface Water:  
The site currently has a steep gradient which slopes from its highest point in the south-east to the north-west at the front of the site. The site presently contains two main areas of hardstanding comprising a lower car park and upper turning area immediately in front of the building. It is advised that at present, surface water drainage runs off the site and drains into the highway along Longden Road. The collected surface water around the building appears to discharge to the existing foul sewer. The two areas identified above are impermeable tarmac which together with the buildings, have been calculated to produce a typical surface water run-off rate of 25.57 litres per second discharge.
- 6.5.2 The applicant has employed a drainage consultant to prepare a drainage scheme for the proposed development. As the site is classed as Brownfield, Policy CS18 of the Core Strategy requires that any new scheme achieves a minimum 50% betterment for surface water drainage. Porosity tests have been undertaken on-site which have indicated that the site has insufficient porosity for the use of soakaways. All surface water drainage and discharge will therefore be collected via an attenuation system which will discharge at a restricted rate to the existing culvert, located within the highway footway. To prevent additional runoff entering the highway carriageway, an ACO drainage channel will be provided across the entrance to the site. Detailed drawings indicating the proposed system have been submitted as part of the application.



- 6.5.3 The Council's Flood and Water Management Team have inspected the proposed drainage scheme and consider it to be acceptable in principle. The proposed scheme will achieve a reduction of surface water run-off to 12 litres per second, thus achieving a 50% betterment and to account for a 1 in 100 year rainfall event (+ 30% climate change). It is therefore considered that the proposal will not have any adverse effects downstream on the receiving culvert or outfall thereafter. The proposal should also ensure that no adverse surface water flooding issues are experienced by adjacent land owners including neighbouring residential properties.
- 6.5.4 Foul Drainage:  
Foul drainage from the proposed development will be collected via existing and proposed new piped system and will discharge to the existing foul water sewer outlet located within the site boundary.
- 6.6 Trees Issues
- 6.6.1 The proposal has been accompanied by an arboricultural impact assessment (AIA) which has been assessed by the Council's Trees Officer. The site has been the subject of extensive tree and vegetation clearance in the south west corner which was carried out prior to making the application but would not have required permission given that none of the trees were covered by protection orders.
- 6.6.2 One protected tree, a Yew, is located to the front of the building and is considered to be of high amenity value but also provides significant screening benefits in terms of the relationship of the proposed extension with the neighbouring property at 1 School Gardens. As the proposed site layout plan indicates that an access roadway will be provided around the tree, it is essential that provisions are made to ensure the tree is not harmed. The AIA proposes a no dig construction method, together with a program of soil improvement within the tree root zone. A comprehensive arboricultural method statement ref: F&AS/AIA/0100/2014 detailing all works within the RPA of the tree has been submitted with this application and the Trees Officer is satisfied that, providing it is followed in detail, the risk of the work being significantly detrimental to the health or amenity provided by the tree is very low.
- 6.7 Ecology Issues  
The NPPF and Policy CS17 of the Shropshire Core Strategy require consideration to be given to the potential impact of a development on the natural environment. The Council's Planning Ecologist has assessed the application and is satisfied that the proposal can be provided without harm to any statutorily protected species or habitats, however, they do request that conditions and informatives relating to Bats, Nesting Birds and Badgers are attached to any planning permission granted.
- 6.8 Other matters
- 6.8.1 Land Ownership Dispute:  
As mentioned in section 6.3.7 of this report, the land at the front of the site is currently the subject of a dispute over ownership. The applicant can demonstrate evidence of title to the strip which was included when the building was purchased from the Council earlier this year. The Parish Council and local residents dispute that the strip should have been included within the site given that the land and items located upon it have been maintained by the parish council for at least the

last 50 years. Members are reminded that land ownership is not relevant to the determination of a planning application and the planning department cannot become involved in disputes to establish ownership of land and/or the right to use land. Such disputes are civil matters to be resolved by the parties involved through the relevant channels and should not have a bearing upon the determination of this application.

## **7.0 CONCLUSION**

- 7.1 Local and national planning policy both advocate support for sustainable growth and expansion of all types of business and enterprise in rural areas, in locations that are appropriate, accessible and have no significant adverse impact upon environmental assets. Officers are satisfied that the proposed development will contain both economic and social benefits to the community.
- 7.2 The proposed extension has been reduced in height to overcome officers concerns. Consequently, it is considered that the proposed extension can be accommodated by the plot and has been designed to respect the scale, character and appearance of the existing school building. The building is set well back within the plot, behind a protected Yew tree and having regard to the design, it is not considered that the proposal would have a detrimental impact upon the character of the locality.
- 7.3 Officers consider that the proposed car park layout and parking provision will be sufficient to accommodate the volume of traffic and parking requirements generated by a nursery with a capacity of 60 spaces. Widening of the vehicular access can be carried out to allow the simultaneous entrance and egress of vehicles onto the site without the requirement to remove or relocate the items of street furniture currently located at the front of the site. Officers are also satisfied that proposed layout will allow the adequate manoeuvrability of vehicles around the site. Given the above, the proposal should not result in on-street parking along the adjacent highway and will not be harmful to highway safety. Furthermore, the applicant has offered to refurbish or replace the parish noticeboard and wooden bench at the front of the site and is willing for the Council to adopt the area at the front of the site as public highway.
- 7.4 The proposal will not have an overbearing impact upon, nor would it unacceptably affect light levels at the neighbouring property at 1 School Gardens. Any impact upon the neighbours privacy would be mitigated by the provision of obscure glazing in the first floor of the extension, together with screening afforded by the protected Yew tree and existing trees and vegetation within the neighbours boundary. The existing boundary fence along the west boundary will act as a barrier between vehicle movements, noise and activity occurring on site from the neighbour, however, it is acknowledged that an impact upon the occupants of 1 School Gardens is inevitable. Having regard to the proposed opening hours at the nursery (07:30 to 18:30 Monday to Friday only), however, it is not considered that on-site activity would take place at unsociable or unreasonable hours, and this can be controlled by condition. As a result, it is not considered that the proposal would result in a significant adverse impact upon the quality of life of the occupants of the adjacent neighbouring property.

7.5 The proposal would have no adverse environmental or ecological implications and can be carried out with causing harm to the protected Yew tree on site.

7.6 Having regard to the above considerations, officers consider that the benefits of the proposal would outweigh any harm and consider the proposal to constitute a sustainable form of development in accordance with the NPPF and Policies CS6, CS8, CS13, CS17 and CS18 of the Core Strategy and is recommended for approval.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:  
CS6: Sustainable Design and Development Principles  
CS8: Facilities, Services and Infrastructure Provision  
CS13: Economic Development, Enterprise and Employment  
CS17: Environmental Networks  
CS18: Sustainable Water Management

### RELEVANT PLANNING HISTORY:

PREAPP/12/00409 Proposed change of use from former school building and school house/grounds to residential development to provide a maximum of four dwellings  
PREAMD 19th October 2012

PREAPP/14/00056 Proposed alterations and extension for the use as a childrens nursery school including new vehicular access and parking area  
PREAMD 29th September 2014

14/03059/FUL Erection of two storey extension and bell tower to facilitate use of school building as children's nursery; change of use of agricultural land to play area; formation of vehicular access and parking area (part retrospective) PDE

## 11. Additional Information

[View details online:](#)

**<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>**

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 – Conditions

APPENDIX 2 – EPS Matix

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

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

3. Prior to the commencement of any above ground works associated with the extension hereby approved, details of the external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

4. 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.



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

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

Reason: To ensure sufficient provisions for parking, turning and loading on site and to avoid on-street parking in the interests of highway safety.

6. Prior to the nursery hereby approved first being brought into use, boundary treatments around the perimeter of the site shall have been provided in accordance with details first to be submitted to and agreed in writing with the local planning authority. The boundary treatments shall be installed and thereafter permanently maintained in accordance with the agreed details.

Reason: In order maintain the amenities of neighbouring residents.

7. Prior to their installation, details of any floodlighting or external lighting to be provided on site shall be submitted to and agreed in writing with the Local Planning Authority. The lighting shall be installed strictly in accordance with the approved details and thereafter permanently retained as such and no additional external lights shall be erected without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents.

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

8. The premises shall not be open to the public outside of the hours 07:30 to 18:30 Monday to Friday. The premises shall not open to to the public at any time on Saturdays, Sundays or Public Holidays.

Reason: To protect the amenities of the occupiers of nearby residential properties.

9. The premises shall only operate as a Childrens Day Nursery within the D1 Use Classification and not for any other use stipulated within that class.

Reason: To protect the amenities of the occupiers of nearby residential properties and the character of the area.

10. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

11. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

12. The premises shall provide nursery accommodation for a maximum of 60 children.

Reason: In order to avoid an over-intensive use of the site in the interests of the amenities of neighbouring residents and the locality.

13. No burning shall take place on site during construction and/or clearance of the site.

Reason: To protect the amenity of the area and the health and wellbeing of existing residents in the locality.

14. The items of street furniture located at the front of the site shall not be removed from their present location within the land edged blue on the existing site plan. Any re-positioning of the items within that land shall only be carried out in full agreement with the local highways authority.

Reason: For the avoidance of doubt and to safeguard items used by the community.

15. All first floor windows to be inserted in the north west facing (front) elevation of the extension hereby approved shall be fitted with obscure glazing and shall thereafter permanently be retained as such.

Reason: In order to safeguard the privacy of neighbouring residents.

16. Work shall be carried out strictly in accordance with the Reasonable Avoidance Measures Method Statement by Pearce Environment Ltd (September 2014) attached as an appendix to this planning permission.

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

17. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species and 4 Schwegler artificial nests, as recommended in Pearce Environment ecological report, suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

## APPENDIX 2

### EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

14/03059/FUL

The Old School  
Hookagate  
Shrewsbury  
Shropshire  
SY5 8BE

Erection of two storey extension and bell tower to facilitate use of school building as children's nursery; change of use of agricultural land to play area; formation of vehicular access and parking area

Date of consideration of three tests:

3<sup>rd</sup> September 2014

Consideration of three tests carried out by:

Nicola Stone

Assistant Biodiversity Officer

01743-252556

- 1 Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?**

The proposal will see a vacant building of local interest returned to use and will help an existing local business to expand and deliver a service to the local community.

The proposed development would provide a new day nursery with a capacity of 60 children. In addition to the provision of a local service, the proposal will also provide economic and community benefits to the local area. If permitted, the new nursery would provide 8 new full time and 2 part time (equating to 9 FTE) jobs and opportunities for staff development will be available in the form of vocational courses,

training, school placements and apprenticeships. The nursery could also act as a community meeting centre and would provide an opportunity for local children to meet and interact giving a foundation for primary school. The development would also provide jobs for local tradesman during the construction period.

## 2 Is there 'no satisfactory alternative'?

The building is currently vacant and unfit for modern purposes. Substantial refurbishment is required to bring it up to a standard suitable for an educational use. The building is also limited in terms of the floor space available, therefore the proposed extension is considered necessary to achieve sufficient space for the use proposed.

The applicants have explored alternative sites for their business and consider the application site the most appropriate in terms of size and location.

## 3 Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Surveys revealed a roost of Common Pipistrelle bat emerging from behind the barge boards on the eastern gable of the hall building and from under a ridge tile. Pearce Environment Ltd (2014) concludes that this roost is used periodically by a small number of Pipistrelle. An eps license from Natural England will be required prior to the commencement of works on site. Pearce Environment Ltd has recommended bat mitigation in the form of; an ecological clerk of work overseeing bat related work on site, contractors tool box talk, erection of a bat box on the exterior of the building before work commences, the inclusion of a Schwegler 1FR bat box in the proposed extension, retention of a ridge gap, and post development monitoring.

The proposed development will not be detrimental to the maintenance of the populations of bats at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Nicola Stone to Steve Drury 3<sup>rd</sup> September 2014 are on the decision notice and are appropriately enforced:

The following condition should be on the decision notice.

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

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

2. Work shall be carried out strictly in accordance with the Ecological Survey Report

conducted by Pearce Environment Ltd (July 2014) attached as an appendix to this planning permission.

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

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

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

4. 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.



Committee and date

Central Planning Committee

16 October 2014

## SCHEDULE OF APPEALS AND APPEAL DECISIONS

<b>LPA reference</b>	12/02498/OUT
<b>Appeal against</b>	Refusal.
<b>Appellant</b>	Morbaine Limited
<b>Proposal</b>	Outline Application for the erection of a Class A1 foodstore with associated car parking, servicing facilities and replacement of garage workshop to include means of access.
<b>Location</b>	Land at Hereford Road, Shrewsbury.
<b>Date of application</b>	11.06.2012
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Committee
<b>Date of decision</b>	19.08.2013
<b>Date of appeal</b>	17.02.2014
<b>Appeal method</b>	Initially Written Representations, changed to a Hearing.
<b>Date site visit</b>	09.09.2014
<b>Date of appeal decision</b>	25.09.2014
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>ALLOWED – COSTS ALLOWED</b>
<b>Details</b>	

<b>LPA reference</b>	13/03489/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr John Dean Price
<b>Proposal</b>	Change of use of land to form residential caravan (gypsy traveller) site for two gypsy families to include two pitches each with one static caravan/mobile home and one touring caravan and erection of an amenity block/utility building (retrospective) and provision of a bin store (amended description).
<b>Location</b>	150 Shawbury Heath, Shawbury, Shrewsbury.
<b>Date of application</b>	29.08.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	24.10.2013
<b>Date of appeal</b>	20.03.2014
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	17.06.2014
<b>Date of appeal decision</b>	26.09.2014
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>
<b>Details</b>	



<b>LPA reference</b>	13/05013/OUT
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Abbey Developments Shropshire Ltd
<b>Proposal</b>	Outline application for the erection of 4 no. dwellings to include one affordable dwelling and means of access.
<b>Location</b>	Land At Abbey Lane, Alberbury, Shrewsbury.
<b>Date of application</b>	16.12.2013
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	25.04.2014
<b>Date of appeal</b>	27.06.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	09.09.2014
<b>Date of appeal decision</b>	03.10.2014
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/00518/OUT
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Morris Property
<b>Proposal</b>	Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure.
<b>Location</b>	Development Land Adj Oaklands, Holyhead Road, Montford Bridge, Shrewsbury.
<b>Date of application</b>	05.02.2014
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Committee
<b>Date of decision</b>	16.06.2014
<b>Date of appeal</b>	09.09.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/01328/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr R. G. Hinds
<b>Proposal</b>	Erection of a pair of semi detached dwellings following demolition of existing building and workshop.
<b>Location</b>	Land At Green Lane, Shrewsbury.
<b>Date of application</b>	26.03.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	19.08.2014
<b>Date of appeal</b>	10.09.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/02495/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr C Aston
<b>Proposal</b>	Erection of 1 No dwelling.
<b>Location</b>	16 The Moors, Cressage, Shrewsbury.
<b>Date of application</b>	05.06.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	05.08.2014
<b>Date of appeal</b>	17.09.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/00743/OUT
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Shropshire Homes Ltd
<b>Proposal</b>	Outline application for residential development (to include access).
<b>Location</b>	Development Land West Of Bryn Road, The Mount, Shrewsbury.
<b>Date of application</b>	19.02.2014
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Committee
<b>Date of decision</b>	06.05.2014
<b>Date of appeal</b>	22.09.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/00953/TPO
<b>Appeal against</b>	Officer Decision
<b>Appellant</b>	Mr C Roberts
<b>Proposal</b>	To fell 1 no. Monkey Puzzle tree protected by TPO (65 Wenlock Road)
<b>Location</b>	65 Wenlock Road, Shrewsbury, Shropshire, SY2 6JU
<b>Date of application</b>	04.03.2014
<b>Officer recommendation</b>	Refuse – recommends reapplying for pruning work
<b>Committee decision (delegated)</b>	Officer refused
<b>Date of decision</b>	16.04.2014
<b>Date of appeal</b>	16.04.2014
<b>Appeal method</b>	Written representation
<b>Date site visit</b>	30.07.2014
<b>Date of appeal decision</b>	11.09.2014
<b>Determination time (weeks)</b>	21 weeks
<b>Appeal decision</b>	<b>Refused</b>
<b>Details</b>	<p>The Main Issues were:</p> <ul style="list-style-type: none"> <li>• The impact the proposal would have on appearance and character of the locality, and</li> <li>• Whether the reasons given for felling the yew tree are sufficient to justify that course of action (see Martin's email for more details)</li> <li>- Monkey Puzzle was healthy and high amenity value</li> <li>- Light can be improved by pruning</li> <li>- No evidence of instability in the tree's rootplate, not enough evidence of drain damage</li> </ul>



---

## Appeal Decision

Hearing held on 9 September 2014

Site visit made on 9 September 2014

**by Mark Dakeyne DipTP MRTPI**

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

**Decision date: 25 September 2014**

---

**Appeal Ref: APP/L3245/A/14/2213935**

**Land at Hereford Road, Shrewsbury SY3 7RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Morbaine Limited against the decision of Shropshire Council.
  - The application Ref 12/02498/OUT, dated 8 June 2012, was refused by notice dated 19 August 2013.
  - The development proposed is a Class A1 foodstore with associated parking and servicing facilities and a Class B2 workshop with associated parking facilities.
- 

### Decision

1. The appeal is allowed and outline planning permission is granted for a Class A1 foodstore with associated parking and servicing facilities and a Class B2 workshop with associated parking facilities at land at Hereford Road, Shrewsbury SY3 7RE in accordance with the terms of the application, Ref 12/02498/OUT, dated 8 June 2012, subject to the conditions set out in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by Morbaine Limited against Shropshire Council. This application is the subject of a separate decision.

### Procedural Matter

3. The application was submitted in outline, with only means of vehicular access to be determined at this stage. All other matters are reserved for future consideration. The proposed site layout plan Drawing No 6428/23 Revision C is for illustrative purposes only. I have determined the appeal on this basis.

### Main Issues

4. The main issues are:
  - (1) Whether the proposal would have a significant adverse impact on investment in Shrewsbury Town Centre or other centres in the catchment or the vitality and viability of the town centre or other centres;
  - (2) The effect on the supply of employment land and premises, having particular regard to the needs of the existing businesses on the site; and,
  - (3) Whether the proposals would lead to a safe and suitable access to the site for all users, including motorists, pedestrians and cyclists, and would have an acceptable impact on the nearby highway network.

## Reasons

### *Shopping*

#### *Sequential Test*

5. The proposed foodstore is a main town centre use as defined by the National Planning Policy Framework (the Framework). Paragraph 24 of the Framework requires that a sequential test should be applied to planning applications for main town centre uses that are not proposed in an existing centre and are not in accordance with an up-to-date Local Plan. The appeal site is in an out-of-centre location and is not within an area allocated or intended to be allocated for town centre uses in any local plan. It is necessary to consider whether there are any sequentially preferable sites which could accommodate the foodstore.
6. The sequential assessment carried out by the appellant does not identify any town centre sites that are suitable for the development. The Council does not refer to concerns about the sequential test in its reason for refusal. Of those sites discussed at the hearing, the Riverside development is primarily for comparison shopping to boost the offer available in the town centre. The existing planning permission does not appear to provide for a foodstore and certainly not one of comparable size to that proposed (about 2000 sq m gross internal floorspace). Although concerns were expressed that the Riverside scheme has stalled, no evidence was provided at the hearing that there was an intention to redesign the scheme to incorporate a foodstore. The West End Regeneration Scheme is some way off coming to fruition and is intended to provide for a mix of town centre uses. Neither of these larger town centre sites is available for the foodstore.
7. There are a number of smaller sites in the town centre, some of which were referred to in the appellant's sequential assessment. Although some of the sites would be capable of accommodating a small convenience store, they would not be suitable for a larger foodstore. A larger town centre site, the former Telephone House site in Smithfield Road, is intended for a hotel. Permissions exist for a food hall and foodstore extension at the Meole Brace Retail Park, to the south of the appeal site. There is also permission for a foodstore within the South Shrewsbury sustainable urban extension (SUE) to the south-east. Both Meole Brace and the SUE are referred to in Policy CS2 of the Council's Core Strategy<sup>1</sup> (CS) as areas for development but are not defined as town centres or allocated for town centre uses by Policy CS15. Therefore, they are out-of-centre locations and are not sequentially preferable to the appeal site.
8. The appeal site is on bus routes linking to the town centre. The development would be capable of being accessed by foot and bicycle with links to the cycle and footpath network by Rea Brook. The site is close to the residential suburbs of Meole Brace and Belle Vue. The site is relatively accessible and has reasonable connections with the town centre. The proposed foodstore satisfies the sequential test.

---

<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy March 2011

### *Impact on Investment*

9. In terms of Shrewsbury Town Centre, there is no evidence that the proposal would impact on the planned investment at Riverside or West End. As these town centre schemes are primarily for comparison shopping or other non-convenience town centre uses and in the case of the former for some 40000 sq m of floorspace, there does not seem to be any likelihood that a foodstore of the size proposed would have a significant bearing on investment decisions. I have not been made aware of any objections from the promoters of these schemes to the appeal proposal.
10. As discussed above Meole Brace and the South Shrewsbury SUE are not town centres. In any event no evidence was put forward that committed schemes for convenience shopping would be affected by the appeal proposal.
11. There are a number of 'local centres' in the South Shrewsbury area, anchored by Cooperative (Coop) Foodstores. There was discussion at the hearing as to whether these centres fall within the definition of town centres in the Framework. Although these areas are not defined as centres by Policy CS15 or draft Policy MD10 of the emerging Development Management Policies Document (SAMDev)<sup>2</sup>, they play an important role in providing accessible shopping and other services for large residential areas, particularly for those who do not have access to private transport. The centres at Radbrook Green and Mytton Oak have larger Coop stores and a range of other shops and services. I would describe them as local centres rather than small parades of shops of purely neighbourhood significance. Sutton Farm has a number of shops and services but a smaller Coop store so is more on the margins but would be best described as a local centre.
12. The Coop indicate that they have invested in the above centres recently although no specific examples were given. No information was provided about committed or planned investment in the local centres. Whilst acknowledging the general point that a fall in trade might make future investment in refurbishing the centres less likely, such concerns do not amount to the evidence to demonstrate a significant adverse impact on committed or planned investment.

### *Vitality and Viability*

13. There is limited convenience offer in Shrewsbury Town Centre. The level of trade diversion impacts from the appeal proposal on its own and in combination with the Meole Brace and SUE schemes on the Marks and Spencer Food Hall, the Little Waitrose and the town centre Coop would not be significant. Even if the trade draw from the town centre is somewhat greater than estimated, the impact would not be significant given the scale and type of convenience offer in the town centre. The foodstore would include a comparison goods component but, as explained at the hearing, the floorspace of the store and that dedicated to comparison goods would effectively limit this mainly to items perceived as convenience such as pet food, baby products and toiletries.
14. Most of the trade diversion would come from other out-of-centre foodstores particularly Sainsbury's at Meole Brace and Asda at Old Potts Way on the south side of the town. Both stores are estimated to be over-trading. Other

---

<sup>2</sup> SAMDev Draft Development Management Policies Consultation Document 31 October 2013



competing out-of-centre stores (Tesco Extra and Morrisons) to the north of the town would be affected to a lesser extent. As these stores are not within town centres, any impact is not of concern.

15. With regard to the Coop local centre stores on the south side of Shrewsbury, based on what I saw and from my own experience I would describe these as local convenience shops catering primarily for top-up shopping. Some customers, particularly those unable to easily access the larger foodstores, would rely on the stores for their weekly shop. But, as demonstrated by the appellant's figures<sup>3</sup>, this would not be their main role.
16. There would be some diversion of trade from these shops as a result of the proposal. However, the local centres appeared to be performing well from what I observed. The main top-shop function would not be significantly affected. Customers would continue to carry out linked trips combining shopping to the stores with visits to services such as post office, surgery, vets, primary school, day nursery and pharmacy all of which are represented in at least one of the centres. In addition, like other convenience stores, they would benefit from some projected expenditure growth in future years.
17. The Coop considers that the impact on the Coop stores in south Shrewsbury would be greater than the figures provided by the appellant. For example, the Coop state trade diversion for the Radbrook Green store as nearer 25% as a result of the implementation of committed and proposed foodstores in the south Shrewsbury, including the appeal scheme, compared to the appellant's figure of 15%. It was stated that the stores are of a size that falls between the larger foodstore and smaller convenience outlets so costs per square metre are relatively high. They are not over-trading. However, the Coop's impact figure does not appear to be derived from empirical evidence rather it is drawn primarily from experience of impact on a Coop in Gloucester from a new foodstore. However, there is insufficient evidence before me on the circumstances affecting the Gloucester case such as the extent of existing stores already in the catchment. The appellant's figures, based on analysis of the shopping survey carried out on behalf of the Council for its retail study, is more robust evidence.
18. I have taken into account the concerns about some of the inputs into the retail impact assessment such as expenditure growth rates, the extent of the Primary Catchment Area (PCA), future expenditure capacity, Coop store size and turnover and cumulative impact but these have been largely addressed by the submission of further information<sup>4</sup>. In particular, lower expenditure growth rates forecast within the Experian Briefing Note of October 2013 would be offset by the strong performance of existing stores. The PCA was based on the results of the household surveys carried out on behalf of the Council for its retail study. It seems appropriate to exclude north Shrewsbury from the PCA given foodstore provision in this area whilst accepting that some trade would come from outside the PCA. The allowance of 15% appears to be reasonable. Turnover figures for the Coop stores were not provided to the appellant. Moreover, no alternative assessment or figures based on rigorous analysis have been put forward.

---

<sup>3</sup> See Table 1 in NLP Briefing Note dated 6 June 2014

<sup>4</sup> Briefing Note dated 6 June 2014

19. I recognise that the local centres, anchored by the Coop stores, provide an important service to residents of south Shrewsbury and potentially reduce reliance on the car. However, based on what is before me, the vitality and viability of these centres would not be significantly affected. The corner shop in Meole Village provides a different service to that which would be provided by the proposed foodstore and the impact is not likely to be significant.

*Conclusions on the issue*

20. In conclusion the proposal would not have a significant adverse impact on investment in Shrewsbury Town Centre or other centres in the catchment or the vitality and viability of the town centre or other centres. There would be no conflict with Policies CS2 and CS15 as the proposal would fit with Shrewsbury's role as the primary retail centre for Shropshire, would not detract from the vitality and viability of Shrewsbury Town Centre and has been accompanied by sequential and impact assessments. Emerging Policy MD10 has limited weight as there are unresolved objections to it but the proposal meets the criteria relating to retail impact subject to the imposition of a condition relating to the proportion of comparison goods. The proposal would satisfy the tests set out in paragraphs 26 and 27 of the Framework and increase local consumer choice.

**Employment Land and Premises**

*Policy Position*

21. The appeal site is not allocated or protected as employment land by Policies CS13, CS14 or draft Policy MD4 of the emerging SAMDev. Policy CS13 is overarching in, amongst other things, placing emphasis on planning and managing a responsive and flexible supply of employment land and premises. It does not include site specific designations. Policy CS14 refers to a suitable portfolio of employment land and premises but the appeal site has not been identified as contributing to this supply. Policy MD4 has limited weight as there are unresolved objections. The policy is intended to contribute towards delivering the strategy, including planning and managing supply, but there was no evidence put forward that the appeal site has been identified as a strategic site or employment land under the emerging policy. The Council could not point to any conflict with paragraphs 21 or 22 of the Framework given that the site is not protected or allocated.

*Existing Businesses*

22. There are 5 existing businesses on the site. The servicing, repair, MOT and recovery operation of EA Downes and Sons Ltd is split into two parcels. The business would be consolidated on the site with provision of a new workshop. The proposals would benefit the business by providing a single fit for purpose premises with the prospect of additional jobs being created. The Salop Vans operation would move to the large Salop Leisure site on the south-east side of Shrewsbury.
23. There is more uncertainty as to the impact on Pritchard's Vehicle Sales and Hire as differing viewpoints were expressed by the site owner and an employee as to whether the company want to downsize and relocate or continue its operations on the site. That said the existing site appears to be larger than required judging by the unused areas to the rear of the building. In addition

the site owner advised at the hearing that funds from the sale of the land would be released to enable the business to be relocated.

24. The hot food takeaway at 131 Hereford Road would be demolished to make way for the development. The operator indicated that he was on a long lease but had not negotiated an outcome. It would appear that there is an opportunity to secure funds to invest in other premises in the town. So far as the hand car wash operation is concerned the tenancy arrangements are renewable annually. This type of temporary operation does not require significant investment so alternative sites are likely to become available.

#### *Conclusions on the issue*

25. Notwithstanding the uncertainties over some of the businesses on the site, overall I conclude that the effect on the supply of employment land and premises, having particular regard to the needs of the existing businesses on the site, would be acceptable. In arriving at this conclusion I have taken into account the clear benefits for one of the businesses on the site. In addition the foodstore itself would generate up to 150 jobs and facilitate construction jobs and indirect employment. In respect of the policy context there is no conflict with the criteria of Policy CS13 and, as the site is not part of the employment portfolio, the proposal is not contrary to Policy CS14 or emerging Policy MD4.

#### **Highway Safety**

26. The proposal to widen the existing site access, provide traffic lights and increase the number of lanes, including right turn lanes, within Hereford Road would be a significant improvement compared to the existing situation and would reduce the conflicts between vehicles using the access and those travelling along the main road. The signals would include a pedestrian phase. Traffic lights with pedestrian/cycle phases would provide safer crossings over Hereford Road and Roman Road. These works would allow safe access for pedestrians and cyclists to the development together with providing benefits for other highway users. For example the football fans walking to Greenhouse Meadow would find it safer to cross the roads in the vicinity of the site with the new pedestrian crossing facilities.
27. Access to the adjacent petrol filling station via the new traffic light controlled junction and safe parking for the fuel tanker would be included within the proposals. The current conflicts that exist between users of the access would be reduced.
28. The road network is busy, particularly during peak periods. The local network includes the large signalised roundabout at Meole Brace and the convoluted layout by the appeal site. In this context it is understandable that local residents have concerns about the impact of the additional development on the safety and functioning of the network. However, the expert evidence, including that of the Council's Highway Officers, is that the works overall would contribute positively to the management of traffic in the area. There is no evidence before me that would lead me to take a contrary view. In particular I note that the improvements would otherwise be unlikely to be carried out, notwithstanding the significant developments to the south which will add to traffic movements on the network.

29. The works would also involve the installation of a MOVA system to the traffic lights which allows them to respond more sensitively to traffic flows around the area through altering the green light timings. The Council referred to anecdotal concerns of residents who felt that MOVA systems installed elsewhere in the town had not been beneficial. However, no substantive evidence was provided to support this statement. Again the technical evidence indicates that such a system would be a benefit.
30. Accordingly the proposals would lead to a safe and suitable access to the site for all users, including motorists, pedestrians and cyclists, and would have an acceptable impact on the nearby highway network. The development would comply with Policy CS6 as it would be located in an accessible location and would be safe and accessible for all. The proposal would meet the requirements of paragraph 32 of the Framework as a safe and suitable access to the site can be achieved for all people and improvements would be made to the network which would limit the significant impacts of the development.

### **Other Issues**

31. There would be changes to the environment for those living adjacent to the site along Hereford Road. However, the site is already in business use. The back gardens of the neighbouring houses are relatively long, although in the case of No 101 Hereford Road the adjacent section of garden is at lower level. Provided suitable boundary treatments are incorporated into the detailed scheme and plant and servicing are sensitively sited, the development would have an acceptable impact on the living conditions of neighbouring residents. Planning permission would not override any legal rights of access.
32. The development would improve the appearance of the site by replacing a disparate group of functional buildings with modern development incorporating suitable landscaping. The development would not extend beyond the existing boundaries of the site so there would not be any encroachment into the wooded areas alongside Rea Brook. Boundary trees can be safeguarded during construction through protective fencing and suitable excavation methods. There is no evidence that the ecological interests of the brook and its environs would be affected.

### **Conditions**

33. I have considered the conditions put forward by the Council and discussed at the hearing. Conditions relating to the submission of reserved matters and the timing of commencement are needed due to the outline nature of the application. The plan showing the details of the access forms part of the permission and should be referred to for the avoidance of doubt. However, additional details will be required of these works, together with pedestrian and cyclist routing and disabled access within the site, fuel tanker parking and lighting. The schemes need to be implemented in full before trading to ensure safe access for all. I agree that it is necessary to be specific as to what is required in terms of landscaping, including measures to protect existing boundary trees (paragraph 32 refers).
34. Details of drainage are necessary and should be based on sustainable techniques. In view of the existing uses on the site and the findings of the Preliminary Risk Assessment, further site investigation together with any necessary remediation is required. Due to the nature of the access and the

proximity of dwellings a Construction Management Plan is required which should incorporate working times.

35. The principles of the Travel Plan Framework accompanying the application need to be carried through to a travel plan for the future occupiers to encourage journeys by sustainable modes of transport. The net sales area and proportion of comparison goods need to be controlled to reflect the assessment carried out (paragraph 20 refers). Conditions are needed to control floor levels and safeguard access to Rea Brook in the interests of flood risk.
36. Details of refrigeration and air conditioning plant would be part of any reserved matters submission as would the making good of the gable end to 129 Hereford Road. Although the position of the foodstore is not set, delivery and store opening times could have an impact on neighbouring residents. A condition should be imposed to require such details to be approved by the Council once the layout of the site is determined. The B2 workshop forms an important component of the development and its delivery should be secured by a condition.

### **Conclusions**

37. The proposal would be acceptable when judged against the three main issues. The development would also achieve economic, social and environmental gains so providing sustainable development. In particular the proposal would provide jobs, enhance consumer choice and improve the built environment and highways network. With reference to paragraph 14 of the Framework the development is one that should be approved without further delay as it accords with the development plan.
38. For the above reasons the appeal should be allowed and outline planning permission granted, subject to the conditions discussed above.

*Mark Dakeyne*

INSPECTOR

Attached – Schedule of Conditions

## **APPEARANCES**

### FOR THE APPELLANT:

Keith Nutter	Morbaine Limited
Jonathan Wallace	Nathaniel Lichfield and Partners (NLP)
John Lowe	Turner Lowe Associates
Graham Adams	Morbaine Limited

### FOR THE LOCAL PLANNING AUTHORITY:

Tim Rogers	Area Planning Manager
Andrew Bannerman	Councillor
Mike Owen	Councillor
Peter Nutting	Councillor

### INTERESTED PERSONS:

Richard Holmes	Richard Holmes Associates representing Mid Counties Cooperative
Duncan McCallum	Representing Mid Counties Cooperative
Anne Adams	Local Resident
Kevin Adams	Local Resident
Sula Baugh	Meole Village Residents Association
Clive Pratt	EA Downes and Sons Limited

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Letter from Graham and Christine Bradbury, Meole Crescent, Meole Brace, Shrewsbury submitted by the Council
2. Policies MD4 and MD10 of the SAMDev submitted by the Council
3. Letter from Environment Agency dated 18 September 2012 submitted by the appellant



## **SCHEDULE OF CONDITIONS**

### *Reserved Matters*

- 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Access Arrangements 111206/01/D.
- 5) The details required by condition no 1 shall include:
  - (i) in terms of landscaping: boundary treatments, site remediation or protection of soils, species choice, planting stock type, tree pit design, irrigation system design, arboricultural work based on the Tree Survey recommendations dated 24 August 2012, and long term maintenance proposals;
  - (ii) in terms of layout: the routing of pedestrians and cyclists through the site, including associated ramps; parking, turning and servicing areas, including cycle parking; lighting; and provisions for disabled facilities and access.The scheme shall be carried out in accordance with the approved details prior to the development being first brought into use.

### *Highways and Drainage*

- 6) Prior to the commencement of the development, full engineering details of the signal controlled junction, highway enhancement works, footways and cycle-ways, street lighting and carriageway markings/signs, shall be submitted to, and approved in writing by, the local planning authority. The works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.
- 7) The 'Keep Clear' box as indicated on approved drawing no. 111206/01/D to provide access through to the adjacent site shall be cross hatched prior to the occupation of the development hereby permitted and retained as such whilst it is necessary for the safe operation of the Petrol Filling Station.
- 8) No development shall take place until schemes for the disposal of foul and surface water drainage have been submitted to, and approved in writing by, the local planning authority. The approved schemes shall be completed before the development is first brought into use. The surface water details shall comprise a Sustainable Urban Drainage Scheme and include management and maintenance arrangements for the lifetime of the development.

### *Contamination*

- 9) No development shall take place until a site investigation has been undertaken to assess the nature and extent of any contamination on the site. The site investigation shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. A report of the site investigation shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of any site works.
- 10) In the event of the site investigation finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- 11) Following completion of measures identified in the approved Remediation Strategy a Verification Report shall be submitted to, and approved in writing by, the local planning authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.
- 12) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 9 above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 10 above, which shall be submitted to, and approved in writing by, the local planning authority.

### *Tree Protection*

- 13) No ground clearance, demolition, or construction work shall commence until a Tree Protection Plan and Method Statement for the use of 'no-dig' working practices, based on the Arboricultural Impact Assessment dated 30 August 2012, has been submitted to, and approved in writing by, the local planning authority. The approved Tree Protection Plan and Method Statement shall be adhered to on site for the duration of the demolition and construction works.

### *Construction Management*

- 14) No demolition or 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 demolition and construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) the days of the week and hours that demolition and construction will take place;

- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction; and,
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction work.

*Travel Plan*

- 15) Prior to the development hereby permitted being first brought into use, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority, based on the Framework Travel Plan dated March 2012, which commits the site operator and businesses to use their best endeavours to reduce car travel to the site and promote more sustainable travel modes such as walking, cycling and the use of public transport. The Travel Plan shall be reviewed by the site operator and businesses and the local authority on an annual basis for the lifetime of the development.

*Flood Risk*

- 16) Finished floor levels should be set at 600mm above the 1 in 100 year plus climate change flood level at 59.25m AOD and floor levels shall be raised 150mm above surrounding ground levels.
- 17) There shall be no development within 6 metres of the top of the watercourse bank. The area shall be left clear of all buildings, structures and fences. Ground levels shall not be raised within this area.

*Foodstore*

- 18) The foodstore shall not be occupied until details of the store opening hours and delivery times have been submitted to and approved in writing by the local planning authority. Thereafter the opening hours and delivery times shall be adhered to at all times.
- 19) The foodstore hereby permitted shall not be occupied until the Class B2 workshop (1072 square metres gross internal floorspace) has been completed and is available for use.
- 20) The net sales floor area of the foodstore shall not exceed 1200 square metres. No more than 180 square metres (15%) of the net floor area of the store shall be used for comparison goods allowing 1020 square metres (85%) for convenience goods.

**END OF SCHEDULE OF CONDITIONS**



---

## Costs Decision

Hearing held on 9 September 2014

Site visit made on 9 September 2014

**by Mark Dakeyne DipTP MRTPI**

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

**Decision date: 25 September 2014**

---

### **Costs application in relation to Appeal Ref: APP/L3245/A/14/2213935 Land at Hereford Road, Shrewsbury SY3 7RE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Morbaine Limited for a full award of costs against Shropshire Council.
  - The hearing was in connection with an appeal against the refusal of planning permission for a Class A1 foodstore with associated parking and servicing facilities and a Class B2 workshop with associated parking facilities.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

#### **The submissions for Morbaine Limited**

2. The costs application was submitted in writing in advance of the hearing. The following additional points were made orally at the hearing.
3. There were concerns from local residents and Councillors. But there was a lack of the required evidence in relation to the concerns. Substantial evidence was required for those concerns to carry weight. The Council was open and honest in relation to its position but, ultimately no statement or professional and technical evidence was provided to counter the reports commissioned from, and supported by, professionals, including Officers of the Council.
4. The appellant did not want to be at the hearing having worked tirelessly over 12 months to resolve issues such as highways. But ultimately there was no choice but to go to appeal. The written representations route was pursued to try to reduce costs for the main parties but the hearing procedure was imposed and it was necessary to attend and incur the costs as a result.

#### **The response by Shropshire Council**

5. The response was made orally at the hearing.
6. The duty to support reasons for refusal with technical and specialist evidence was accepted. During the application determination process legal advice was sought which indicated that it would be difficult to defend the highways reason for refusal. In order to have a chance of defending successfully the retail related objection it would be necessary to seek specialist advice.

7. The Council took a decision not to seek specialist advice through the use of consultants. It also agreed to the written representations procedure to reduce costs for all parties. The hearing route was not one that was the choice of the Council.
8. However, it is clear that Councillors and members of the public have strong opinions and feelings about the development based on their knowledge and experience of the site and the area. Evidence can be produced by consultants but often this purely serves to support the position of those who are paying for the advice. For example the MOVA systems installed elsewhere were supported by experts but have made precious little difference. In considering the appeal and costs decisions these factors need to be taken into account.

### **Reasons**

9. The Government's Planning Practice Guidance advises that, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
10. The Council did not produce a statement for the appeal but relied on verbal representations at the hearing. The Council referred to development plan policies and the National Planning Policy Framework in its reasons for refusal but did not provide reasoning at the hearing to demonstrate how the proposal would be in conflict with those policies. The proposal was clearly one that should have been permitted, having regard to its accordance with the development plan, national policy and other material considerations.
11. In advance of the hearing the Council advised that it would not be offering any technical or professional evidence to support the reasons for refusal. This position was confirmed at the hearing. Whilst the Councillors who attended the hearing used their knowledge and experience of the area to raise concerns this did not amount to evidence sufficient to substantiate the reasons for refusal in the face of the technical evidence provided by the appellant which was supported by the Council's Officers. The assertions made, for example those relating to the MOVA system, were generalised and not supported by objective analysis.
12. Representations were made on behalf of Mid Counties Cooperative Society (Coop) in writing and at the hearing in relation to the retail issue. There were a significant number of representations made by local residents in advance of the hearing and a number spoke at the event. Whilst I took into account these representations in my decision they were not provided by the Council and, in any event, did not amount to evidence sufficient to substantiate the reasons for refusal, including that related to retail matters.
13. For the reasons given above, I conclude that unreasonable behaviour has directly caused the appellant to incur unnecessary expense. A full award of costs is justified.

### **Costs Order**

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that

Shropshire Council shall pay to Morbaine Limited, the costs of the appeal proceedings described in the heading of this decision.

15. The applicant is now invited to submit to Shropshire Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Mark Dakeyne*

INSPECTOR



This page is intentionally left blank



---

## Appeal Decision

Hearing and site visit held on 17 June 2014

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 26 September 2014

---

**Appeal Ref: APP/L3245/A/14/2215836**

**150 Sparrow Cottage, Shawbury Heath, Shawbury SY4 4EA<sup>1</sup>**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Dean Price against the decision of Shropshire Council.
  - The application Ref 13/03489/FUL, dated 27 August 2013, was refused by notice dated 24 October 2013.
  - The development proposed is described in the planning application form as: '*material change of use of land to use as a residential caravan site for two Gypsy families, each with two caravans including one static caravan/mobile home*'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a material change of use of land to form a residential caravan site for two gypsy families to include two pitches and the erection of an amenity building at 150 Sparrow Cottage, Shawbury Heath, Shawbury SY4 4EA in accordance with the terms of the application, Ref 13/03489/FUL, dated 27 August 2013, and the plans submitted with it, subject to the conditions set out in the annex to this decision<sup>2</sup>.

### The appeal site and background information

2. The site is an area of land situated off the A53 – Market Drayton to Shrewsbury highway. It is about 120m away from the road and is accessed via an unmade track. The planning application was submitted prior to moving to the site in March 2014. The appellant and his family live on the site.
3. On 19 November 2010, the Council issued an enforcement notice in relation to the unauthorised use of the site. It alleged: '*Without planning permission, the change of use of land to a mixed use for the siting of a caravan for the purposes of residential use in the approximate location on the land marked with a red cross on the attached plan and use for the storage of motor vehicles*'. An appeal made under Section 174 (2) (g) of the Town and Country Planning Act 1990 as amended ('the 1990 Act') was dismissed on 1 June 2011<sup>3</sup>.
4. Planning permission for the appeal development before me was refused on four grounds. Reason no. 1 states that the site is located within the countryside

---

<sup>1</sup> This is the correct address of the site as agreed at the Hearing.

<sup>2</sup> For clarity's sake, I have adopted the Council's amended description of the development in my decision with some minor variation.

<sup>3</sup> Appeal ref: APP/L3245/C/10/2142926.

and is classed as a rural exception site. No evidence has been demonstrated to show that the appellant and/or his family have strong local connections. Reason no. 2 raises concerns about sustainable development, reason no. 3 refers to the effect of the development upon the character and appearance of the area and reason no. 4 refers to its potential effect upon local ecology.

5. In terms of reason no. 1, the Council refer to Policy CS5 and CS12 of the Shropshire Local Development Framework Adopted Core Strategy (CS) 2011. Policy CS5, Countryside and Green Belt, restricts housing development to that for countryside workers, affordable and local needs housing. Policy CS12 specifically relates to Gypsy and Traveller provision. The application of these Policies is illustrated in the *Type and Affordability of Housing* supplementary planning document (SPD). In so far as Policy CS5 relates to rural exception sites, the Council confirmed that it is no longer relevant in the context of this appeal, because the site has not been identified as a rural exception site.
6. CS Policy CS12, and elements of the SPD, has a bearing upon the supply of housing. The Council cannot demonstrate a five-year supply of deliverable sites for gypsies and travellers. Policy CS12 is, therefore, out-of-date given the advice contained in paragraph 49 of the National Planning Policy Framework.
7. The Council also acknowledged that it did not require the appellant to demonstrate strong local connections due to advice found in paragraph 22 (e) of the Planning Policy for Traveller Sites ('the PPTS'). This states that Councils should determine applications for sites from any travellers and not just those with local connections. These upfront concessions have, mainly, been made because of a recent appeal decision<sup>4</sup>.

## Reasons

8. Against all of the background information, the **main issues** are the following:
  - (i) Whether the appellant is a Gypsy and Traveller for planning purposes,
  - (ii) Whether or not the development of this site is sustainable, having particular regard to accessibility to local services and local and national planning policies relating to sustainable development,
  - (iii) The effect of the development upon the character and appearance of the surrounding area with particular regard to the rural woodland setting of the locality,
  - (iv) The effect of the development upon local ecology having particular regard to protected species,
  - (v) The need for and provision of sites for gypsies and travellers in the area and the availability of alternative sites and,
  - (vi) The appellant's need for a settled site and personal circumstances.

### *Gypsy and Traveller status*

9. Annex 1 of the PPTS states: '*For the purposes of this planning policy "gypsies and travellers" means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to*

---

<sup>4</sup> Appeal decision ref: APP/L3245/A/13/2196615, dated 7 February 2014, allowed, at Adbo Farm, Rosehill near Market Drayton, Shropshire.

*travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.*

10. The underlying purpose of the definition is to identify those persons who have particular land use requirements arising out of their nomadic habit of life. It does not alter the need to carefully scrutinise the current and past lifestyles of individual site occupants and it is down to the appellant to make his own case out.
11. The site is currently occupied by Mr Dean Price (appellant), Debbie Price (wife) and four children: Chasey (4 year old), Lilly (3 year old), Nemo (2 year old) and Lilo (18 months). They are expected to be joined by Mr Price's parents, John and Jane Price.
12. The family are Romany Gypsies who originate from the South Wales region. They travelled for economic purposes and mainly sought a livelihood through building renovation work and the buying and selling of motor vehicles. The family attended horse fairs and lived on various authorised/unauthorised gypsy and traveller sites. Although the appellant's parents have given up travelling due to old age and health conditions, Mr Price stated that he is the main bread-winner and continues to travel for economic purposes. He continues to renovate vehicles, buy and sell motor vehicles in the West Midlands region. He also explained that his family has never lived in a traditional house given their aversion to bricks and mortar. At the Hearing, the Council conceded that, given the appellant's habit of life and ethnic origins, the travelling is characteristic of a past and present nomadic way of life.
13. Taking all of the above points together, I conclude that the appellant, his wife and parents have gypsy status for planning purposes. It follows that gypsy planning policies should be taken into account in this appeal.

#### *Sustainable development*

14. CS Policy CS6 relates to sustainable design and development. Amongst other things, it seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale taking into account local character. It also seeks to ensure that there is capacity and availability of infrastructure to serve any new development. Broadly, these aims and objectives reflect guidance contained in the Framework<sup>5</sup>. It states that there is a presumption in favour of sustainable development, which means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
15. The PPTS advises, in paragraph 23, that local planning authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. Paragraph 11, Policy B, gives guidance on the allocation of sites for travellers. It requires traveller sites to be sustainable economically, socially and environmentally, and sets out a number of requirements that local

---

<sup>5</sup> In particular, paragraphs 7, 9, 17 and 55.

planning policy should meet. Although this Policy strictly applies to the allocation of traveller sites in local plans, the tests set out in paragraph 11 are equally relevant in assessing whether proposed sites satisfy the requirement that they should be sustainable.

16. The Council, supported by the Parish Council and some local residents, are concerned about the location of the site relative to nearby facilities. They question the sustainability of the site given its distance from Shawbury which is about 2 miles away. Shawbury has a limited range of facilities such as a Post Office, some retail shops and a doctor's surgery. Shrewsbury, which is the nearest town with a wider choice of facilities, is about 4 miles away. Bings Heath, the closest settlement, is 800m but it is a small hamlet without any amenities. The nearest bus stop is in Bings Heath but this section of the A53 is unlit and it does not have footpaths making potential use of public transport facilities by the occupiers of the site less attractive.
17. For these reasons, it is likely that the occupiers of the site would be reliant almost entirely upon the private motor car for most of their day-to-day travel needs. Currently, that is how the appellant gets around. However this degree of reliance is not that uncommon in a mainly rural area such as this, and the distances involved are not excessive by rural standards. In addition, Shrewsbury is also a short car journey away. In terms of location, I take the view that the site is not totally isolated from nearby settlements for the kind and scale of the development.
18. Furthermore, there is no evidence to show that the capacity of the existing infrastructure is under considerable stress or is unable to meet the needs of the site's occupiers. Given the number and scale of the residential pitches created by the development, I find that the development is unlikely to considerably increase pressure on facilities in nearby Shawbury.
19. The PPTS recognises that caravan sites for gypsy and travellers could be allowed in rural or semi-rural locations that respect the scale of and do not dominate the nearest settled community. The site is small in scale and there is no evidence to suggest that the development has dominated the settled community, irrespective of the objections to the development from the Parish Council and some local residents. In terms of social integration, a settled base gives the family an opportunity to integrate and co-exist with the local community. Given the limited distances between the site and nearby settlements, contact with the settled community is likely to occur when accessing health, education and other local facilities.
20. The site is owned by the appellant and he travels closer to home to earn a livelihood which is an economic benefit. It reduces his need to travel longer distances in order to find places to work, which assists in reducing his carbon footprint.

#### *Character and appearance*

21. CS Policy CS17, environmental networks, states that development will identify, protect, enhance and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. Amongst other things, this will be achieved by ensuring all development protects and enhances the local character. I find the main objectives of this Policy consistent with advice contained in paragraphs 17 and 56 of the Framework.

22. The site adjoins dense woodland and it is 0.23 ha in size. The surrounding area is characterised by rolling countryside and dwellings are sporadically located. The site plan shows the layout of two static caravans, two touring caravans, a utility building, hard-surfacing and post and wire fence positions. The appellant's truck is also parked on the site. All of these structures are likely to be visible from the A53. Nonetheless, the caravans and the associated paraphernalia stand out in this rural location as being out of place and keeping with the wooded character of the locality. However, due to the enclosed nature of the landscape, views from the highway and surrounding area are limited in extent to the immediate locality and filtered by the location and amount of the existing vegetation. The use of appropriate landscaping would, probably, soften the appearance of the site and over time mitigate, to some degree, the visual harm.
23. The Council argues that the manoeuvring of vehicles in proximity to the trees might require the removal of branches and impact upon the root protection area by vehicles. That, in turn, would result in the removal of the trees thereby resulting in harm to the wooded character of the locality.
24. There are seven trees on the site of note; two Oak trees and a small group of Scots Pine located to the west of the reed bed. The canopy of the Oak trees are identified as having a 4m spread, but the levels of the site have not been altered nor are there any proposals to hard-surface the area immediately around the trees' trunk. There are hardstandings around the group of Scots Pine, but their branches are very tall and the canopy spread is unlikely to be affected by the height of the caravans. There is no evidence to suggest that the use of the land as a gypsy and traveller site is likely to result in the long-term harm to the well-being of the trees, and a condition could be imposed to require a landscaping scheme including areas for hard surfacing.

#### *Local ecology*

25. The site is not designated or classified for its ecological interest, but it is considered to be part of Shropshire's environmental assets. Amongst other matters, CS Policy CS17 seeks to ensure that all development contributes to local distinctiveness having regard to the quality of Shropshire's environment including biodiversity. These aims are broadly consistent with advice contained in paragraphs 7, 109, 114, 117 and 118 of the Framework. The general approach is to promote sustainable development by ensuring that biological diversity is conserved and enhanced as an integral part of social, environmental and economic development.
26. The Council, supported by some local residents, raise concerns about the existence of protected species on the site and, in support of these assertions, refer to an ecological report by Turnstone Ecology. Although the report criticises the appellant's planning statement, the appeal site itself was not actually inspected by representatives of Turnstone Ecology. The Council acknowledged that they did not do a survey and relied upon the planning agent's walkover of the site.
27. Nonetheless, a visit to the land immediately adjacent to the eastern boundary of the site was carried out by Turnstone Ecology who made representations on behalf of their client who owns the adjacent land. However, for the following reasons and on the basis of the evidence, I am quite satisfied that the development is unlikely to harm protected species or their habitat.



28. The report confirms that there are no ponds within 200m of the site though there are eight ponds within 500m and two ditches between 100m and 150m. These could be suitable habitats for Great Crested Newts (GCN) given that these species are known to be present in the Bings Heath area. However, at the time of the walkover survey, Turnstone Ecology's site visit to the adjacent land and the Hearing, GCNs or Reptiles were not identified on the site.
29. The Turnstone report states that a fresh badger latrine was found along the eastern boundary of the site and fresh badger prints were also identified in mud along the edge of the field immediately to the east. I recognise that woodland is potentially good foraging ground for badgers and the home range, which consists of feeding grounds and one or more setts, can be fairly extensive. However, the presented evidence does not confirm the existence of badgers on the site. Even if parts of the un-surfaced areas are used as foraging ground, these grassed areas are to remain as a result of the development.
30. Bats tend to inhabit broad-leaved trees and woodlands. There are two specimens of Oak trees on the site but they are not to be removed. The site is situated within woodland clearing with mature and semi-mature trees present along its boundaries. There is mixed woodland to the west and north of the access track. The evidence does not indicate the presence of bats on the site.
31. In addition, there is concern about the existence of invasive plants. I observed that the hard-surfaced areas used for the stationing of the caravans for residential purposes are not affected by Japanese Knotweed or Himalayan Balsam. The grassland areas around the periphery of the caravan site are to remain and the development does not affect these landscaped areas.
32. I find that the presented evidence does not show that the site contributes to a network of natural habitats which, because of their linear and continuous structure, or their functions as stepping stones, are essential for migration, dispersal and genetic exchange.

*The need for gypsy and traveller sites and the availability of alternative sites*

33. There is agreement between the appeal parties that CS Policy CS12 is not up to date, but it aimed to facilitate the provision for 79 residential pitches through the Core Strategy up to 2017. This figure derives from the Gypsy and Traveller Accommodation Assessment (GTAA) 2008. At the Hearing, the agreed updated figure in relation to outstanding need for pitches is 39<sup>6</sup>. Arc4 consultants have been appointed to carry out an up-to-date assessment of need, but no specific details were published, and there is no indication of the need for sites beyond 2017.
34. To meet future need for gypsy and traveller sites, the Council's intention is to allocate sites via the Site Allocations and Development Management Plan (SAMdev). At the time of the Hearing, details of potential sites have not been published given the on-going research by the consultants. In terms of the SAMDev adoption timetable, the Council intends to hold an examination in the autumn of 2014, but that is subject to additional work being undertaken. So, given the outstanding issues over the status of the SAMDev and the future level of the need for gypsy and traveller sites, the SAMDev can only be given

---

<sup>6</sup> The need for gypsy and traveller pitches as of 28 March 2014 until 2017.

- limited weight in the context of this appeal. That said, there are no relevant policies in the SAMDev regarding the provision of gypsy and traveller sites.
35. The Council accepted that there is no 5-year supply of deliverable sites for gypsies and travellers, which conflicts with paragraph 9 of the PPTS. Furthermore, the Council are yet to produce any Plan which would attempt to address the situation. Thus, there is a vacuum as no mechanism is in place to meet the identified need through planned provision of sites.
  36. Paragraph 49 of the Framework indicates that the lack of a 5-year supply of deliverable sites means that the presumption in favour of sustainable development is engaged. In addition, paragraph 25 of the PPTS states that the lack of a 5-year supply of deliverable sites should be a significant material consideration for the grant of a temporary planning permission. However, there is no reason why this should not be a material consideration for the granting of a permanent planning permission.
  37. If planning permission was refused, the Council acknowledges that there is no available plot for the family to go to on any of its sites. At the Hearing, I was told that the appellant is likely to resort to roadside or unauthorised encampments given that there is no space for him and his family on sites occupied by family and friends. There is no available alternative site for the appellant to resort to.
  38. While I recognise the Council's attempts to address the current substantial unmet need for gypsy sites, it does not have a 5-year supply of specific deliverable sites. In addition to that there is an absence of allocated sites to meet the identified need, and a lack of alternative sites for the appellant to go to. All of these matters provide significant weight in favour of the appeal.

*The appellant's need for a settled site and personal circumstances*

39. The appellant indicated that he has relatives living on nearby sites in Wem and Market Drayton, but there is no suggestion that these other sites can accommodate the family's needs.
40. The PPTS acknowledges that settled accommodation can provide benefits in terms of access to health, welfare and education. The family are registered with a medical practice in Shawbury. In broad terms access to continuous healthcare for the site occupants is a benefit. Additionally, Mr and Mrs Price's children attend school in Shawbury. In this particular school, I heard that the children receive additional educational support from the Gypsy and Traveller education liaison officer, which is of significant benefit to the children. Accessing such facilities from an unsettled base is problematic as opposed to a more permanent abode. It is not necessary for these needs to be met from this particular site, but there is no suggestion that there are alternative sites closer to local centres to meet these needs.
41. The proposal would provide a settled base to enable the family to live together as a group where they are able to provide support to one another. This is part of the gypsy way of life which the PPTS seek to facilitate. These general benefits provide further weight in favour of the appeal.

### *Other matters*

42. The access track connecting the site to the A53 has adequate vehicle visibility splays in both directions. The access track is unmade though the local highway authority recommends its surfacing for the first 5m, which could be addressed through a planning condition. There is, nonetheless, adequate turning space within the site given its size. In my view, vehicles would have sufficient space to manoeuvre and exit in forward gear. I find that the development does not result in an increased risk to other highway users. This also goes in favour of the proposal.

### *Conclusions*

43. The development satisfies many of the matters to be taken into consideration of whether or not a particular site is sustainable economically, socially and environmentally. The use of this particular site by gypsies and travellers does not have a materially harmful visual effect upon the character and appearance of the surrounding area, subject to the imposition of suitably worded conditions which I will come to later. The development does not have a materially harmful effect upon ecological interests. Accordingly, the development complies with CS Policies CS6 and CS17, and advice contained in the PPTS and the Framework.

44. Additionally, the substantial unmet need for gypsy sites, the lack of a 5-year supply of specific deliverable sites and alternative available sites combined with the ongoing failure of the Council to meet that need through the development plan process and the appellant's personal needs, all provide significant weight in favour.

45. For all of the above reasons and having considered all other matters, I conclude that there are strong planning reasons for the grant of planning permission in this particular case.

46. If the appeal was dismissed, I was asked to consider the effect of that decision upon the appellant and his family's human rights under the provisions of Article 8 of the European Convention on Human Rights, and the implications of the public sector equality duty. I have had regard to these matters and find that a grant of full planning permission safeguards the appellant's human rights.

### *Conditions*

47. The Framework and Planning Practice Guidance indicate that suitably worded conditions can enhance the quality of development. Conditions must be necessary, reasonable and relevant to the permitted development. They should also be enforceable and precise. The Council submitted a list of suggested conditions which the planning agent agreed as being standard stipulations in gypsy and traveller appeals.

48. There is no need for a time commencement condition as the development has already started.

49. To define the development, it is necessary to restrict site occupation to gypsies and travellers.

50. A site plan has been submitted with the application for planning permission and it is necessary to stipulate that the development is carried out in accordance with the site plan at a scale of 1:500.
51. In the interests of safeguarding the character and appearance of the surrounding area, it is necessary to impose the following stipulations: a) restrict the number and type of caravans, b) prevent commercial activities and the parking of vehicles over 3.5 tonnes and, c) notwithstanding the submitted site plan, the submission of a site layout plan. The plan should include details for the utility building, proposed landscaping, areas of hard standings, parking and turning, means of enclosures, retained hedgerows and trees, lighting and other services such as drainage.
52. In the interests of highway safety, it is necessary and reasonable to require the access to be suitably surfaced for the first 5m as required by the local highway authority. The appellant has control over the access, but details of the junction between the access track and the highway are not adequately shown on the site plan. These should, therefore, be submitted within a specified timescale.
53. In terms of the condition requiring details to be submitted, the Council suggested that I impose stringent timescales for compliance; that the use shall cease within 28 days if the details were not lodged. However, I will impose a stipulation which will require the submission of the details within 3 months and that the development is carried out in accordance with the approved details. This timescale would be reasonable and necessary to ensure that the development is made acceptable.

### **Overall conclusion**

54. For all of the above reasons and having considered all other matters, I conclude that the appeal should succeed subject to conditions set out in the Annex attached to this Decision.

*A U Ghafoor*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Philip Brown Philip Brown Associates

John Price Appellant

### FOR SHROPSHIRE COUNCIL:

Mathew Farmer Principal Planning Enforcement Officer

Jane Raymond Senior Planning Officer

Alison Slade Ecologist Officer

### INTERESTED PERSONS:

Malcolm Colclough Astley Parish Council

## **DOCUMENTS**

1. Need for gypsy and traveller pitches as at 28 March 2014
2. Copy of enforcement notice dated 19 November 2010
3. List of suggested conditions.

**Annex to Appeal Decision APP/L3245/A/14/2215836**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Site Plan scale 1:500 stamped 13/0348.
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined Annex 1 of the Planning Policy for Traveller Sites Department for Communities and Local Government March 2012.
- 3) There shall be no more than 2 pitches on the site and on the pitches hereby approved no more than 2 caravans on each of the two pitches (as defined by the Caravan Sites and Control of Development Act 1960 as amended and the Caravan Sites Act 1968 as amended) shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) Notwithstanding condition number 1, within 3 months of the date of this decision, a site layout plan shall be submitted to the local planning authority for its written approval. The details shall include the following:
  - a) the location and dimensions of the utility building including the type of materials used on the external elevations, b) hard and soft landscaping including details of existing hedgerows and trees, c) details for foul and surface water drainage, d) areas for the parking of motor vehicles and turning spaces, e) means of enclosures, f) external lighting and g) a timetable for implementation of the approved details. The development shall be carried out in accordance with the approved details and timetable for the implementation of the details.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the completion of the development, any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 8) Within 3 months from the date of this decision, details of the junction between the access track and the highway shall be submitted to the local planning authority for its approval. The details shall include the hard surfacing with a bound material for the first 5m between the junction and highway and a timetable for implementation. The development shall be carried out in accordance with the approved details and timetable for implementation of the details.

End of Annex to Appeal Decision APP/L3245/A/14/2215836



This page is intentionally left blank



---

## Appeal Decision

Site visit made on 9 September 2014

**by Mr JP Sargent BA(Hons) MA MRTPI**

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

**Decision date: 3 October 2014**

---

**Appeal Ref: APP/L3245/A/14/2221172**

**Abbey Lane, Alberbury SY5 9AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
  - The appeal is made by Mr M Ellis of Abbey Developments Shropshire Limited against the decision of Shropshire Council.
  - The application Ref 13/05013/OUT, dated 13 December 2013, was refused by notice dated 25 April 2014.
  - The development proposed is the erection of 4 dwellings to include one affordable.
- 

### Procedural matters

1. This is an outline application with all matters apart from access reserved for later consideration and I have assessed it accordingly.
2. An obligation under section 106 of the Act was submitted by the Appellant, and the weight afforded to this is discussed below.

### Decision

3. The appeal is dismissed.

### Main Issues

4. The main issues in this case are whether this would be sustainable development, its effect on the countryside and whether the Council has a shortfall in housing land supply.

### Policy

5. The development plan includes the *Shropshire Local Development Framework Adopted Core Strategy* that was adopted in 2011. I have no reason to consider Policies CS5 and CS6 from this document are inconsistent with the *National Planning Policy Framework* (the Framework).
6. While the *Shropshire Site Allocations and Management of Development Plan* (SAM) is being prepared it is still yet to be independently examined and so any weight given to that document is limited.

### Reasons

#### ***Sustainability and the effect on the countryside***

7. The appeal site lies in the open countryside on the edge of the rural settlement of Alberbury, and it is separated from the main body of housing in the village

- by a field. It fronts onto a narrow lane, with a row of 3 pairs of 20<sup>th</sup> Century semi-detached dwellings to the south and a pumping station to the north. Whilst the site is relatively unkempt the Appellant said it had been used as residential amenity space in the past.
8. The Framework highlights a presumption in favour of sustainable development. It defines this in its paragraph 7 as comprising 3 mutually dependent elements, namely the economic, social and environmental roles.
  9. In weighing the scheme against these roles I agree with the parties that the design, the scale and the building line of the new houses could reflect that of the adjacent semi-detached dwellings. While the gardens would be smaller the development need not appear unduly cramped. However, although it was contended it was an infill site the pumping station on the northern side is low and has little presence. As a result, the proposal would appear to extend this existing row of houses and so it would not protect or enhance the natural environment. Rather, it would lead to an increasing urbanisation of the countryside to the detriment of its intrinsic character and beauty.
  10. The proposal would be next to the Alberbury Conservation Area, which is focussed on the cluster of buildings that make up the main core of the settlement and reflect its historic rural origins. Mindful that the site is separated from this core by the intervening field, and noting too the effect of the existing semi-detached houses to the south, I consider the development would not harm the setting of that conservation area. Moreover, the construction of 4 dwellings would contribute to the local economy, the houses could be of an environmentally sympathetic design and the legal agreement would secure an affordable unit here.
  11. Alberbury though has few facilities with reference being made to a church, a village hall and a limited access to buses. Consequently, residents of the proposal would have to travel to the surrounding villages such as Ford, Crew Green, Halfway House, and Coedway to access many of the most basic services. While the Appellant said these settlements are not far, I consider they are some way away and realistically, given the nature of the roads and the public transport links, the journeys are likely to be made by car. As such, the scheme would not be readily accessible to local services. Rather, it would result in an increased reliance on the private motor vehicle and be of limited appeal to those in the community who did not enjoy that type of personal mobility.
  12. As such, it would significantly conflict with the social and environmental roles of sustainability.
  13. I accept the Framework's definition of sustainable development is extensive and it is unlikely that many developments would accord with each aspect. Despite this, I consider that the effect on the countryside, the restricted access to services, the reliance on the use of the car and the development's limited appeal to those without personal transport would outweigh any compliance with the other aspects within the definition of sustainable development.
  14. I am aware particular emphasis was placed by the Appellant on the provision of an affordable unit. While there is no basis to assume affordable accommodation would not be needed in Alberbury, there is no evidence either to show a notable demand for such housing in the village. As such, although

appreciable weight has been given to the Appellant's legal agreement this has not been sufficient to have a decisive effect on my reasoning and has not outweighed the conflict with the definitions of sustainable development highlighted above. Moreover, in reaching my view I have not expressed an opinion about additional housing elsewhere in rural Shropshire, but only on this site having regard to its specific characteristics.

15. Accordingly I conclude this proposal would not protect the character and beauty of the countryside and would not be sustainable development.

### ***Housing land supply***

16. Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide 5 years' worth of housing against their housing requirements, with an additional buffer of 5% (or 20% if there has been persistent undersupply). Moreover, the housing needs should be evidence based and should be objectively assessed in order to ensure their accuracy and validity. In paragraph 49 the Framework says relevant policies for the supply of housing cannot be considered up-to-date if the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites. Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development and, where the development plan is out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. When the application was determined, and having regard to a supply statement dated September 2013, the Council accepted it could only show a housing land supply of 4.95 years. Since then it has published a revised 5 year housing supply statement to March 2014 in which it contends it can demonstrate a 5.47 year supply in this part of Shropshire. The Appellant though challenged this revised position saying the removal of the unexamined allocations from the SAM brings the supply down to 1.2 years and he considered that some of the sites from the 300 page tables (which have not been submitted) '*are at best questionable*'. Therefore, he contended that little or no weight can be attached to this untested 5 year supply statement.
18. The Appellant's comments have been noted, but overall I have insufficient information to conclude whether or not the Council can show the necessary 5 year supply required by the Framework. However, putting that aside the grant of planning permission that is advocated in paragraph 14 of the Framework does not apply to any proposal, but rather only to those that can be defined as sustainable development. Therefore, even if the Council has a shortfall in the supply of housing land, as I have concluded this is not sustainable development the thrust of paragraph 14 in the Framework does not apply and does not offer a basis to allow the appeal.

### **Conclusions**

19. Accordingly I conclude that the effect of the proposal on the countryside, its limited access to services and the inevitable reliance on the private car that would result means it would not constitute sustainable development. Therefore, even if the Council did not have a 5 year supply of housing land this scheme would not fall within the presumption in favour of sustainable development that is found throughout the Framework and in paragraph 14 in

particular. As such, the proposal would conflict with the Framework and so should be refused. Moreover, if they are not out-of-date the scheme would also conflict with Core Strategy Policies CS5 and CS6. I therefore dismiss the appeal.

*J P Sargent*

INSPECTOR



## Appeal Decision

Site visit made on: 30 July 2014

By: **Jim Unwin** BSCFor MICFor FARborA CEnv.

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

Decision date: 11 September 2014

Appeal Ref: **APP / TPO / L3245 / 3898**

At: **No.65 Wenlock Road, Shrewsbury, SY2 6JU.**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mr. Christopher Roberts, against the decision of Shropshire Council.
- The application reference 14/00953/TPO dated 02 March 2014, was refused by notice dated 16 April 2014.
- The work proposed, and appealed, is refusal of consent for felling one monkey puzzle tree, T1 of the TPO.
- The relevant Tree Preservation Order (TPO) is *The Shrewsbury & Atcham Borough Council Tree Preservation Order (65 Wenlock Road, Shrewsbury)*, which was confirmed on 10 October 1990.

### Decision

1. I dismiss the appeal to fell one monkey puzzle tree T1 of the TPO, standing in the front garden of No.65 Wenlock Road, Shrewsbury.

### Main Issues

2. I consider the main issues in this appeal are:
  - The impact the proposal would have on the appearance and character of the locality, and
  - whether the reasons given for felling the monkey puzzle tree are sufficient to justify that course of action.

### Reasons

- ***The impact the proposal would have on the appearance and character of the locality.***

#### *Character of the locality*

3. The A458 Wenlock Road is one of two main roads leaving the eastern part of Shrewsbury: running quite straight in a south-easterly direction from The Column roundabout to open countryside and the A5 southern ringroad almost 2km away. Domestic properties line sections of both sides of the road behind asphalt footways, ranging from Victorian terraces to much larger detached houses, and Twentieth-century houses.



No.65 is semi-detached and together with No.63 are the northern end of a long row of similar two-storey houses, set a reasonable distance back from the road behind front gardens, in long and narrow plots running north east from the road. Immediately to the north is The Armoury, a cul-de-sac edged by houses of various ages. For instance, No.15 in the southern corner nearest No.65 is very recent. Opposite No.65, two-storey terraced houses run to the north, set well back behind front-garden parking bays. Opposite No.65 to the south west is a larger two-storey property set back behind a brick wall.

4. No.65's rear garden was not entered at the site visit, but extends over 25m to the north east, and provides the property's main private outdoor amenity space. The front garden is about 6.3m wide by about 8m long. It comprises lawn and bare ground (under the tree) and an asphalt drive running past the side of the house.

#### *Local tree cover*

5. The section of Wenlock Road near No.65 does not contain any street trees, relatively few trees in gardens, and very few in front gardens. About 45m north from the appeal tree a silver birch about 10m tall and a 16m lime tree edge The Armoury. A mature copper beech 20m tall stands in a rear garden about 35m south west from the appeal tree. Over 35m north east from the appeal tree is a mature gum tree in the rear garden of No.67.

#### *Amenity value of the appeal tree*

6. The appeal monkey puzzle is an evergreen conifer with a deep and dense canopy. I measured the tree to be 12.25m tall, with radial crown spread of 3.3m to the north-west and north-east (towards the house), 3.7m south-east and 4.1m south-west. The monkey puzzle is completely isolated from other trees, is located 3.8m back from the kerb, and 1.8m back from the low front fence of No.65.
7. At the site visit the appeal tree was prominent in views in both directions along Wenlock Road. Given the relative paucity of frontage trees, the appeal monkey puzzle is a striking landscape feature. I agree with the local authority's assessment that the tree provides significant amenity value in the street scene along a main route into and out of Shrewsbury.

#### *Impact of tree removal on local amenity value*

8. I note and sympathise with the appellant's assessment that the appeal tree provides no amenity value to neighbouring properties, mainly because it has grown too large. This view is supported by third-party neighbours Mr & Mrs McCormick at No.76 Wenlock Road, Joanne Messer of No.15 The Armoury, and Meriel Jones of No.63 Wenlock Road. However, its prominence in the local street scene means that removal of appeal tree would require strong justification.

- ***Whether the reasons given for felling the appeal monkey puzzle tree are sufficient to justify that course of action.***

*Light*

9. The appeal monkey puzzle has a deep and dense evergreen canopy. At the site visit in mid-afternoon the tree was shading the single ground and single first-floor windows in the front elevations of both No.65 and No.63. This is significant afternoon shading, and I sympathise with residents for the extra electricity they consume for lighting within Nos.63 & 65's front rooms as a result. The front windows face south-west so can only receive direct sunlight for a brief period in late morning (with the tree in situ). The tree will not shade windows during the morning, but it will block daylight. The front garden of No.65 is almost bare ground, resulting from shading, water interception by the crown, and by roots of the appeal tree drying soil.
10. I acknowledge here the concern about shading from the appeal tree by Meriel Jones of No.63, but do not consider that No.15 The Armoury suffers much light loss from the appeal tree, because the southern corner of the garden is 10m from the tree, and the house is further away, allowing ample daylight to pass around the tree.
11. The shading of No.63's & No.65's windows by the appeal tree is quite severe. In recognition of these shading problems, the local authority has suggested it would support an application for pruning of the appeal tree. Pruning such as crown lifting and thinning out the lower retained canopy could allow materially more daylight to reach windows.
12. The monkey puzzle has a stem diameter of 54cm measured at 1.5m height, and the canopy is flat-topped. Both parameters suggest the tree is nearly fully-grown in this location. Therefore, I note the appellant's concern about growth rate since 1990, but future growth should be much slower, and pruning measures to improve light should be effective for a reasonable length of time.

*Condition of appeal tree*

13. The appeal tree has a healthy canopy. No evidence of rootplate instability or stem defects which could pre-dispose the appeal tree to windthrow have been submitted to the appeal, and I saw none at the site visit. If the tree did fall, it could reach parts of five properties on the north-eastern side of the road, but would not reach any properties on the opposite side including No.76. It could fall onto the footway only 1.8m to its south west, and it could reach the road only 3.8m away, and the footway on the opposite side of the road. I place little weight on the low risk of the appeal tree blowing over, as justification for its removal.

*Drains*

14. A drain passes in a westerly direction very close to the northern side of the tree. I note that Gittins Brothers have rodded the drain on several occasions, and found roots. As they suggest, it is quite possible the proximity of the tree has caused direct root pressure to deflected adjacent sections of clay pipe and either opened joints or caused cracks; through which roots can enter.

15. However, drains function can be assured by regular cleaning. No evidence has been presented to the appeal that the drain cannot be internally sleeved or otherwise repaired, if necessary, with the tree in situ.

### **Conclusions**

16. The appeal monkey puzzle is a healthy tree, free of visible defects, providing very high amenity value to its location over a main route into and out of Shrewsbury.
17. The appeal monkey puzzle does block significant light from front windows of two properties. Light to nearby windows can be improved by pruning.
18. No evidence has been presented to the appeal of instability in the tree's rootplate, and the evidence of drain damage sufficient to justify removing a healthy tree is weak.
19. Therefore, on balance, I dismiss this appeal to fell the monkey puzzle T1 of the TPO, standing in the front garden of No.65 Wenlock Road, Shrewsbury.

*Jim Unwin*

**Arboricultural Inspector.**



## Our Complaints Procedures

---

### **Complaints**

We try hard to ensure that everyone involved in the rights of way process is satisfied with the service they receive from us. Applications and orders to amend the rights of way network can raise strong feelings and it is inevitable that someone will be disappointed with the decision. This can sometimes lead to a complaint, either about the decision itself or the way in which the case was handled.

Sometimes complaints arise due to misunderstandings about how the system for deciding application appeals and orders works. When this happens we will try to explain things as clearly as possible. Sometimes the objectors, applicant, the authority or another interested party may have difficulty accepting a decision simply because they disagree with it.

Although we cannot re-open a case to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how long an order making authority took to submit an order to the Secretary of State) in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we investigate complaints**

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the system for deciding rights of way appeals and orders and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

When investigating a complaint we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. However, the law does not allow us to amend or change the decision.



INVESTOR IN PEOPLE

## **Taking it further**

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

## **Frequently asked questions**

*"Why can't the decision be reviewed if a mistake has happened?"* – The law does not allow us to do this because a decision is a legal document that can only be reviewed following a successful High Court challenge.

*"If you cannot change a decision, what is the point of complaining?"* – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

*"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

*"How long will I have to wait for a reply to my complaint?"* – We will aim to send a full reply within 20 working days. In some cases where the issues raised are complex, a more detailed investigation will be needed, often requiring the views of those involved with the case. This may mean that we cannot reply to you as quickly as we would like.

## **Further information**

Each year we publish our Annual Report and Accounts, setting out details of our performance against the targets set for us by Ministers and how we have spent the funds the Government gives us for our work. We publish full statistics of the number of cases dealt with during the preceding year on our website, together with other useful information (see 'Contacting us').

## **Contacting us**

### **Website**

[www.planningportal.gov.uk/planning/countyside](http://www.planningportal.gov.uk/planning/countyside)

### **General Enquiries**

Phone: 0303 444 5000

E-mail: [enquiries@pins.gsl.gov.uk](mailto:enquiries@pins.gsl.gov.uk)

### **Complaints and Queries in England:**

Please refer to our website:

<http://www.planningportal.gov.uk/planning/inspectorate/customerfeedback/feedback>

or write to:

Quality Assurance Unit  
The Planning Inspectorate  
1/23 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Phone: 0303 444 5884

### **Cardiff Office**

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@pins.gsl.gov.uk](mailto:Wales@pins.gsl.gov.uk)

### **Parliamentary and Health Service Ombudsman**

Millbank Tower, Millbank  
London SW1P 4QP

Complaints Helpline: 0345 015 4033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)





## Challenging the Decision in the High Court

---

### ***Challenging the decision***

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

### ***Grounds for challenging the decision***

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

### ***Different appeal types***

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

### ***Challenges to planning appeal decisions***

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

### ***Challenges to enforcement appeal decisions***

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

***Important Note*** - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).



## Frequently asked questions

"Who can make a challenge?" - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

"How much is it likely to cost me?" - An administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" - This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

"What can I do if my challenge fails?" - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

---

## Further information about challenging the decision

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: <http://www.justice.gov.uk/about/hmcts/>

## Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

## Administrative Justice & Tribunals Council

If you have any comments on appeal procedures you can contact the Administrative Justice & Tribunals Council, 81 Chancery Lane, London WC2A 1BQ. Telephone 0207 855 5200; website: <http://www.ajtc.gov.uk/> However, it cannot become involved with the merits of individual appeals or change an appeal decision.

## Contacting us

High Court Section  
The Planning Inspectorate  
1/25 Hawk Wing, Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN  
Phone: 0303 444 5645

## General Enquiries

Phone: 0303 444 5000  
E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## Complaints

### Complaints & Queries in England

Please refer to our website:  
<http://www.planningportal.gov.uk/planning/planninginspectorate/customerfeedback/feedback>

or write to:

Quality Assurance Unit  
The Planning Inspectorate  
1/23 Hawk Wing, Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN  
Phone: 0303 444 5884

## Cardiff Office

The Planning Inspectorate  
Room 1-004, Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@pins.gsi.gov.uk](mailto:Wales@pins.gsi.gov.uk)

## The Parliamentary & Health

Service Ombudsman  
Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0345 015 4033  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)