

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

Date: Wednesday, 4 March 2015

Committee:
Central Planning Committee

Date: Thursday, 12 March 2015
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

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

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 22)

To confirm the Minutes of the meetings of the Central Planning Committee held on 11 December 2014 and 12 February 2015.

Contact Linda Jeavons on 01743 252738.

3 Public Question Time

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

4 Disclosable Pecuniary Interests

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

5 Land at Longden, Shrewsbury, Shropshire (14/00467/OUT) (Pages 23 - 24)

Outline application (access for approval) for mixed residential development.

6 Proposed Development Land NW of Montford Bridge, Montford, Shrewsbury, Shropshire (14/02964/OUT) (Pages 25 - 46)

Erection of 8 no. dwellings and formation of new vehicular access off Montford Bridge Road; Provision of car parking to serve the existing fishing rights of the site.

7 The Onslow Hotel, Pensfold, Bicton Heath, Shrewsbury, SY3 5HF (14/04195/FUL) (Pages 47 - 58)

Erection of 12 dwellings (8 terraced houses and a 4 unit apartment building), formation of a vehicular access and associated works (amended description).

8 Rowleys House, Museum, Barker Street, Shrewsbury, Shropshire, SY1 1QH (15/00066/FUL) (Pages 59 - 66)

Change of use from current D1 (Museum) to D1 (Education and Administration).

9 Guildhall, Frankwell Quay, Shrewsbury, Shropshire, SY3 8HQ (15/00160/COU) (Pages 67 - 78)

Change of use of the building (excluding part of the first floor to be retained as B1 use) from Offices (B1) to non-residential educational (D1) (amended description).

10 Development Management Report to seek Delegated Authority to Planning Officers
(Pages 79 - 82)

Development Management Report to seek Delegated Authority to Planning Officers to continue to determine the applications previously presented to Central Planning Committee for housing schemes of 10 or less dwellings in light of the Ministerial Statement of 28th November 2014 and the decision of Cabinet dated 21st January 2015.

11 Schedule of Appeals and Appeal Decisions (Pages 83 - 92)

12 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, 9 April 2015 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



Committee and Date

Central Planning Committee

15 January 2015

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 11 December 2014

2.00 - 5.10 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Michelle Dulson

Email: michelle.dulson@shropshire.gov.uk Tel: 01743 252738

Present

Councillor Vernon Bushell (Chairman)

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

74 Apologies for absence

An apology for absence was received from Councillor David Roberts.

75 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 13th November 2014 be approved as a correct record and signed by the Chairman.

76 Public Question Time

There were no public questions, statements or petitions received.

77 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.

Councillors Pamela Moseley and Kevin Pardy declared that they were Town Council representatives on Shropshire Playing Fields Association.

78 Princess House, The Square, Shrewsbury, Shropshire (14/04383/FUL)

The Technical Specialist Planning Officer 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, she drew members' attention to the location, layout, access and elevations.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed a further comment from a member of the public in relation to materials to be used given the historic setting.

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

- He had no dispute with the principle of conversion as the proposal could make a good living space;
- He felt that the recommendation as it stood was unsatisfactory as it was a sensitive site in the heart of an historic town and it was important to create something of architectural merit;
- Design was key, but was something that the Committee rarely considered, although training on this issue had been requested;
- It was not good enough to say that the design was subjective, officers should consider the views of experts;
- He felt that more weight should be given to the opinion of English Heritage in relation to the elevational details, materials and finishes;
- He drew attention to paragraph 6.2.4 in relation to the facades facing Princess Street and High Street, and paragraph 6.2.6 in relation to proposed solar PV Panels on the first floor elevation;
- Led into accepting the proposal without the proper guidance and requested that a Design Review Service (eg MADE) be consulted in order to provide independent, objective, expert feedback on the design of the proposed development; and
- He urged the Committee to defer its decision until the proposal had been submitted to a design review panel.

In response to concerns about the proposed solar pv panels on the first floor elevation of the main block, the Technical Specialist Planning Officer explained that the solar panels were included to add interest as the developer was required to retain the current ventilation apertures and that if approved a condition would be imposed requiring full details to be submitted for approval.

Concern was raised about an appeal against non-determination if the matter were to be deferred.

It was suggested that an appropriate way forward would be to form a small consensus group with the Chairman, Councillor Bannerman, English Heritage and the Planning Officers in order to oversee the discharge of Conditions.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

- Officers resolving the issues contained in Condition No's. 3, 4 and 6, namely materials, doors and windows and solar PV Panels, in consultation with Councillor Bannerman;
- The conditions as set out in Appendix 1 to the report; and
- A Section 106 Agreement to secure two affordable units.

79 Proposed Residential Development to the NW of Ford, Shrewsbury, Shropshire (14/03451/FUL)

With reference to Minute No. 71, the Principal Planning Officer introduced the application and explained the risks involved in refusing the application for the reasons previously given as outlined in the addendum, he also drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

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

Mrs M Blythe, 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:

- Site fell outside the development boundary in open countryside so would be contrary to CS5;
- The bridleway was a much valued amenity and well used. No access rights existed along this route which was too narrow to allow turning;
- The development would cause a nuisance and a hazard to residents and would have a negative impact on residential amenity;
- The site was unsustainable and too remote; it was a 40 minute round trip to the shop on foot; and
- The development would damage the natural environment and would not satisfy the three strands of sustainable development set out in the NPPF.

Mr R Blythe, on behalf of Mrs Z Robbins, representing the Nesscliffe Hills & District Bridleway Association, spoke against the proposal in accordance with the Council's scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Only vehicular farm access existed over the very narrow bridleway;
- Access to the field had, until recently, been via a different entrance;
- The development would impact on the surface of the bridleway, the trees and the wildlife, as well as the nearby properties;
- Concern for the safety of riders and walkers etc;
- Delivery vehicles would block the road; and
- It was illegal to drive a motorised vehicle up a public bridleway.

Mr B Clyne, representing Ford Parish Council, spoke against the proposal in accordance with the Council's scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The local community were opposed to this proposal;
- The proposal would fail the three dimensions of sustainable development contained within the NPPF, namely, economic, social and environmental roles;
- There would be a net detrimental effect as agricultural land would be lost;
- The site was remote and so transport was required in order to access local amenities;
- Concern for the surface of the bridleway;
- Impact on local residents of traffic associated with the development; and
- The proposal did not comply with adopted or emerging policies nor the NPPF.

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:

- Agricultural land was classified into grades according to quality with the site being Grade 3 Good to Moderate Land. Government policy advised that only the best and most versatile agricultural land should be protected, and this was usually defined as Grades 1 and 2;
- The site only occupied 0.13 hectares with 90% of the field remaining unaffected;
- Clifton Coach House would be some 18 metres away from the side elevation of one of the plots so no overlooking would occur;
- The proposed boundary of the site was 7 metres away from Clifton Coach House and, if deemed necessary, some additional tree planting and/or fencing could take place;
- There was no private right to a view;
- The bridleway would be unobstructed and agricultural access already existed;
- The site would benefit from two off-site parking spaces;
- Endorse officers comments in the report and in particular paragraph 6.1 onwards;
- It was a sustainable location for development and a Section 106 contribution would be made; and

- The Committee had approved a similar, much larger scheme in the Ford area and created a precedent.

Mr G Smith, on behalf of Mrs N Qureshi, 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:

- Mrs Qureshi's late husband had lived at Penybryn, Ford;
- She did not wish to cause any detriment to neighbouring properties;
- Believed there would be no direct impact on Clifton Coach House as the two dwellings would be 18 metres away; and
- Only a small proportion of the field was taken, the quality of which was limited and for which she received only a nominal rent.

In response to a query, the Area Highways Development Control Manager (Central) explained the implications for the Council in relation to ownership of the bridleway however this was not a planning consideration and could not be taken into account.

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

- The wish to refuse this application had been unanimous at the previous meeting
- It was a step too far when local residents wished Ford to remain open countryside;
- Approval for 30 dwellings had already been approved;
- Did not contribute to the economic viability;
- Not sure it satisfies the NPPF;
- The proposed site was way out of the village where there was a history of flooding; and
- People would not walk to do their shopping.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

Members were still minded to refuse the application as nothing had been put forward to alter their view; it was one of only a few bridleways supported by Shropshire Council; the proposal was contrary to the SAMDev; and further vehicular access would have an impact on existing properties.

RESOLVED:

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

- The Local Planning Authority considers that the proposal would represent an unacceptable encroachment into open countryside, isolated from essential services and facilities along an unlit and unpaved highway leading to reliance on private motor vehicle. Accordingly the proposal would fail to satisfy the three

dimensions to sustainable development defined within the National Planning Policy Framework: the economic, social and environmental roles. Given the Council's current five year housing land supply position, the proposed scheme is not considered necessary to meet Shropshire Council's housing development requirements or the community's needs in terms of health, social and cultural well-being and would therefore undermine the strategy for the location of housing. Accordingly, the proposal would fail to accord with the aims and requirements of saved policy H3 of the Shrewsbury and Atcham Borough Plan, adopted Core Strategy policies CS4, CS5, CS6 and emerging site allocation and management of development policies MD1 and MD3.

80 Proposed Closure of New College Road at Wenlock Road

The Area Highways Development Control Manager (Central) introduced this application for a Traffic Regulation Order and closure of New College Road for access by all motor vehicles at its junction with Wenlock Road, Shrewsbury.

He 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 of the proposed closure.

He drew attention to the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further objection comments from a member of the public together with two letters from local residents.

Mr P Marston, 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:

- Informal consultation was unfair;
- The original decision was to close New College Road at London Road;
- Requested a temporary closure at London Road to allow the impact of closure to be assessed;
- His request for a separate access to his property had not been seriously considered;
- He felt that this proposal overturned previous decisions; and
- If the proposal is approved the Council should restore the plot boundaries and access to Wenlock Road for 151 Wenlock Road as they were when development was first permitted in 1951.

In response, the Area Highways Development Control Manager (Central) did not think that a signed only closure would work. He explained that whilst not strictly in accordance with the Section 106 Agreement the proposed closure at Wenlock Road had been requested by local residents and had been discussed with the College who had no interest in where the closure was carried out. He confirmed that the Section 106 Agreement could only be disputed by the parties involved and there was only a slight risk that the College might, in future, say it was not carried out in accordance with the Agreement.

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 Jane MacKenzie, as the local Ward Councillor, made a statement and then took no part in the debate and did not vote. During her statement the following points were raised:

- Aware it was a very sensitive issue;
- New College Road was very narrow with vehicles traveling at speeds of up to 50mph;
- Ebnal Road was wider and better able to cope with the additional traffic;
- Only 3 objections had been received from residents of Ebnal Road; and
- Although she appreciated the difficulties raised for a number of local residents she felt that the proposal represented the views of the majority of residents.

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 took no part in the debate and did not vote. During his statement the following points were raised:

- Pleased local Councillors had been involved;
- Concerned why it was any better to close New College Road at Wenlock Road rather than London Road however residents were obviously in favour of it; and
- He was happy to propose a temporary closure in order for the impact to be assessed.

The Area Highways Development Control Manager (Central) explained that a trial could be done by some temporary measure however the current Traffic Order consultation would have to be abandoned.

RESOLVED:

That the proposed Traffic Regulation Order and permanent closure of New College Road for access by all motor vehicles at its junction with Wenlock Road, Shrewsbury shall not proceed and the committee request that an experimental Traffic Regulation Order and closure be implemented instead, which includes a six-month consultation period and will allow the impacts of the closure to be assessed.

81 Former Shelton Hospital, Somerby Drive, Shrewsbury, Shropshire, SY3 8DN (14/02402/FUL)

The Principal Planning Officer introduced this 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, layout, access and elevations.

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

members of the public, a petition objecting to the scheme and further objection comments from Sport England.

Mrs K Pearce, representing Racecourse Lane Residents Association, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Concern about the density and layout of the proposal;
- Wished to see a revised layout protecting existing facilities;
- The proposal would lead to the loss of the junior football pitch, which, coupled with cuts to the Shropshire Youth Service, was a double blow for the children who used the facilities;
- The proposal raised equality / deprivation issues;
- A petition had been signed by 1060 local residents objecting to the proposal;
- There were safety issues in relation to the proximity of the cricket pitch to proposed housing;
- Traffic levels would become unacceptable; and
- It would not be in the public interest to approve this application.

Mrs J Griffiths, representing the Cricket Club, 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 Cricket Club had a long standing history of some 130 years and have had to fight for the survival of the Club;
- Access to the ground had always been through the site; concern that access had not been decided;
- Concern that emergency vehicles would not be able to get to the ground;
- Fencing would not reduce the impact on properties; there would be potential for injuries;
- The long term costs to the Club were unknown; and
- The Club had not been engaged in the process.

With the agreement of the Chairman, Mr H Thorne, the agent, was permitted to speak for up to six minutes and spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- It was easy to lose sight of what the application was for, which was 240 houses whilst retaining the biggest listed building in Shropshire;
- The applicants had consulted widely on the application and had held meetings with officers, the Town Council, the School and Church, had held public meetings and met individual objectors and had done its best to address any concerns;
- Changes to footpaths and access had been made as a result;
- The recreational facilities had been discussed with officers; a new bowling club house and car park was being proposed in a better location; the applicant had met with the Football Club who said they were going to abandon the pitch; there was scope to relocate the football pitch onto the old boiler house site;

- In response to Sport England concerns, Mr Thorne explained that the proposal only took away 6% of the playing field;
- It was felt that the benefits outweighed these concerns;
- The bowling green could not be left on the existing site;
- Following meetings with the Cricket Club, a 5 metre high permanent boundary fence would be erected to prevent balls reaching the houses;
- The applicant would pay for the repositioning of the cricket square; and the houses would be fitted with toughened glass;
- The Council will take ownership of the Cricket Ground via a Section 106 Agreement; and
- The proposal would provide 240 homes on a sustainable, brownfield site and had the support of officers and English Heritage.

In response to a query, the Area Highways Development Control Manager (Central) discussed access through the site including crossing points and pedestrian access. He explained that the raised crossing on Racecourse Lane would not be a controlled crossing but was hoped to address some traffic issues by reducing speeds.

Although Members welcomed plans for reuse of the old hospital building they were concerned about the negative impact on the current sports facilities and open space.

In response to a query, the Principal Planning Officer explained that in light of Sport England's objections, if members resolved to approve the application, the report and decision would have to be sent to the National Planning Casework Unit to make a decision or it may decide that officers can make a decision, however this could delay determination of the application by up to four weeks. He reminded Members that the National Planning Policy Framework advocated working with developers in order to obtain an acceptable proposal.

In response to a query it was confirmed that in order to mitigate the loss of a large number of mature trees, 200 replacement trees would be planted.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That this application be deferred to allow the applicant to produce revised plans to address aspects of Sports England's objection.

82 Proposed Residential Development Opposite The Crescent, Nesscliffe, Shrewsbury, Shropshire (14/03357/OUT)

The Principal Planning Officer 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, layout, access and elevations.

In response to a query the Principal Planning Officer confirmed that if approved it would be ensured that the lane leading to the school drop-off / pick-up facility was sufficiently wide to allow for turning and passing vehicles.

Concern was raised that the application was contrary to the SAMDev and Parish Plan and that young children would have to cross the main road in order to access the play and recreational facilities. In response, the Principal Planning Officer explained that the location of play facilities was indicative and that the developer would enter into an agreement with the Parish Council to either maintain the existing provision or to use land put aside by the developers. It was for the Parish Council to determine the most appropriate location for play provision.

RESOLVED:

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

- The conditions as set out in Appendix 1 to the report; and
- A Section 106 Agreement to secure affordable housing in accordance with the prevailing rate current at the time of submission of Reserved Matters.
- The developer being requested to discuss the preferred location for play provision with the Parish Council prior to the submission of any Reserved Matters application.

83 Schedule of Appeals and Appeal Decisions

Members requested a list of all ongoing appeals and the Principal Planning Officer updated the Committee on recent appeal decisions.

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 11 December 2014 be noted.

84 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee would be held at 2.00 p.m. on Thursday 15th January 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

**Committee and Date**

Central Planning Committee

12 March 2015

CENTRAL PLANNING COMMITTEE**Minutes of the meeting held on 12 February 2015**

2.00 - 5.25 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor Vernon Bushell (Chairman)

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

85 Apologies for absence

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

86 Minutes

The Minutes of the Central Planning Committee held on 11 December 2014 would be submitted to the next meeting for confirmation.

87 Public Question Time

There were no public questions, statements or petitions received.

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

With reference to planning application 15/00090/FUL, Councillor Tim Barker stated that as a Member of Cabinet he had been in attendance when the Shrewsbury Student Accommodation Policy had been considered. He would make a statement and leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning applications 14/02402/FUL and 14/03259/OUT, Councillor Vernon Bushell declared that he knew two of the speakers and declared a personal interest.

With reference to planning application 14/05115/FUL, Councillor Dean Carroll stated that he was employed by a company which had an interest with one of the principle objectors. He would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/02402/FUL, Councillor Pam Moseley stated that she was a Shrewsbury Town Council representative on the Shropshire Playing Fields Association.

With reference to planning application 14/02402/FUL, Councillor Kevin Pardy stated that he was a member of the Shropshire Playing Fields Association.

With reference to planning application 14/00467/OUT, Councillor David Roberts stated that his wife's family had an interest in this application. He would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/01802/FUL, Councillor David Roberts stated that the applicants were his brother-in-law's stepchildren and a person employed by him lived in the area. He would make a statement then leave the room and take no part in the consideration of, or voting on, this application.

89 Former Shelton Hospital, Somerby Drive, Shrewsbury, Shropshire, SY3 8DN (14/02402/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout, access and elevations. He confirmed that the revised proposals would provide for 15 on-site affordable dwellings, which would include provision for 3 No. 2-bed conversions and not 4 as stated in the report.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr D Kilby, representing Shropshire Playing Fields Association (SPFA), spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He expressed support for the revised plans which had fully addressed Sport England's and the SPFA's objections;

- The relocation of the existing Bowling Green to the north of the cricket pitch and the removal of plots 51 and 52 were welcomed;
- It would create an asset for the community and would offer health and wellbeing benefits;
- He requested that consideration be given to the dedication of the sports field as a centenary field in honour of those who fell during WW1;
- Would be in accordance with paragraph 73 of the National Planning Policy Framework (NPPF); and
- As the area to the west of Shrewsbury did not currently have a robust and up-to-date local needs assessment in place he requested that consideration be given to the implementation of one.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. A Member advised that the dedication of the field was not a planning issue and should be referred to Shrewsbury Town Council.

RESOLVED:

That, subject to Officer's being given delegated authority to grant planning permission, planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 legal agreement to secure:
 - Contribution towards education infrastructure.
 - On-site affordable dwellings (15) and a commuted sum towards off-site affordable dwellings (.6);
 - Contribution to provide, and agreement with Shropshire Council to let a contract for the construction of the replacement bowling green and lighting on a like-for-like basis prior to commencement of development on existing bowling green or cessation of right to use existing vehicular access and car park.
 - Agreement with applicant to convert the existing Estates Building to provide a replacement Bowling Pavilion in accordance with the timetable for the replacement bowling green.
 - Transfer of cricket ground to Shropshire Council, who will in turn transfer this on a long-term lease to Shelton Cricket Club; and
- Subject to the Conditions set out in Appendix 1 to the report.

90 The Charles Darwin, Sutton Road, Shrewsbury, SY2 6HN (14/05115/FUL)

In accordance with his declaration at Minute No. 88, Councillor Dean Carroll left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, proposed site plan and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further public objections and comments of Shropshire Council's Public Protection (Specialist) in response to a request from the agent to allow greater flexibility in respect of the delivery times.

Mr G Heap, 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 proposal did not take into account the impact on the surrounding area;
- Would create on road parking which would be unsafe and dangerous;
- Highway Safety – The entrance gate to the site which was opposite his property was currently permanently locked to prevent large vehicles using this entrance;
- Traffic – A convenience store would result in increased traffic, which would include large/small delivery and collection vehicles;
- There was no turning facility in Tilstock Crescent, which would cause further congestion;
- Noise – Type of delivery vehicle would result in increased noise levels and, in addition, there would also be noise from industrial fridge/freezer motors and users of the store; and
- Would have a negative impact on the retail provision in the area.

Ms R Childs, 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 aim was to keep the public house open and for both businesses to work in conjunction with one another;
- Had undertaken a car parking survey and the car parking provision on the site would exceed the local saved policy requirements;
- There would be two deliveries per day and would be prepared to accept a condition regarding a Service Delivery Management Plan;
- Highways had raised no objections;
- The Co-op was satisfied that there was sufficient demand for a further store in this area;
- Would create employment; and
- Would be in accordance with policy and would be a beneficial development on an underdeveloped and used site.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Concerned about the increase in traffic that would be generated as a result of this development;
- This was a residential setting and the proposal would impact on the residents of Tilstock Crescent; and
- Concerned about over-provision of retail space and there was a vacant unit on the opposite side of the road.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Jane MacKenzie, as local Ward Councillor, made a statement and withdrew from the table, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- There had been 200 objections from local residents;
- The existing nearby Co-op store was struggling, several units in the Parade were empty and she questioned the need for a further store in the area;
- Traffic – delivery lorries would be turning into a residential road and next to a bus stop and there was a potential for deliveries to be unloaded at unacceptable times;
- She requested that the delivery hours as set out in Condition No. 7 in Appendix 1 to the report be adhered to; and
- Public Nuisance – there were already three off-licences within 100 yards of each other and this additional store could have a detrimental impact on the local community and anti-social behaviour.

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

- There had been a high number of objections to this proposal;
- This was a residential area and the residents would now be looking out at a brick wall;
- Would result in an increase in on road parking in a residential area;
- Noise – there was already noise from car boot sales and other events and extractor fans and delivery lorries would exacerbate this issue;
- There were empty units close-by;
- The proposed store would be in direct competition with an existing nearby store. Both stores would not be sustainable so would not create new employment;
- What would happen to the Post Office if the existing Co-op store closed;
- Would be contrary to Core Strategy Policy CS15; and
- If approved, would like to see reduced opening hours and delivery times and no deliveries on a Sunday.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to concerns and in order to protect the amenity of the area and protect the health and wellbeing of nearby residents, Members expressed the view that delivery times should be kept to a minimum and delivery times should remain as set out at Condition 7 in Appendix 1 to the report (Monday to Saturday 07:00-19:00, Sunday 08:00-13:00) and not as set out in the Schedule of Additional Letters.

In response to concerns, the Principal Planner clarified that the weekend car park usage survey had not been undertaken on a football match day; the site operator could enforce private parking restrictions to protect the 11 parking spaces linked to the convenience store as is the case at Meole Brace Retail Park; the public house would not require planning permission if it wished to convert to an A1 Retail outlet; and reiterated that the combined level of parking space provision exceeded policy requirements.

RESOLVED:

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

91 Land At Longden, Shrewsbury, Shropshire (14/00467/OUT)

In accordance with his declaration at Minute No. 88, Councillor David Roberts left the room during consideration of this item.

The Area Planning and Building Control Manager introduced the application and with reference to the drawings displayed, drew Members' attention to the location, indicative layout and access. He reported a change to the recommendation and explained that Officers were now seeking to secure the provision and retention of the footpath running through Plealey Lane as part of a S106 Agreement. He also drew Members' attention to the following:

- Additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further public objections and comments from Longden Parish Council;
- A further objection which had been received following publication of the Schedule of Additional Letters and which raised similar issues to those in the report; and
- A letter and photographs from the residents of the Severnside Longmynd View Flats which had been circulated via email prior to the meeting and circulated in paper form at the meeting.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr N Ingham, representing Longden Village Action Group, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Longden was a rural community with small scale facilities;
- Proposal would not be necessary to meet the 5 Year Land Supply;
- Would not be in keeping with the Village Design Statement – a smaller development would be less intrusive and retain the rural character of the village;
- The development would extend into the countryside and would fail to accord with H3 of the Shrewsbury and Atcham Borough Plan and adopted Core Strategy Policies, CS4, CS5, CS6 and CS17 and MD1 and MD3 in the emerging Site Allocations and Management Development Plan (SAMDev);
- Delineation between the villages would be eroded and potential access points on this site would lead to expansion on this site in the future;
- Limited employment in the area would necessitate the need to travel to find employment;
- Suitability and safety of the proposed footpath between garages had raised concern;
- Approved applications in the area meant that Longden had achieved its housing requirements; and
- Highway Safety - local roads already suffered from speeding vehicles.

Councillor N Evans, representing Longden 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 undertaken consultation on three occasions to inform SAMDev, Village Design Statement and Parish Plan and the majority of residents had said no to development on the northern side of the area; and
- Requested that the S106 should include provision for the footpath through the garages and the footpath on the western side of the site should be removed.

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:

- Proposed development would be in accordance with SAMDev and the Plan had identified Longden as a Community Cluster;
- The Plan indicated that no individual site should be no more than 10-15 houses – the application site would accommodate 14 homes so would be in accordance with the Plan;
- No highway or technical objections had been raised;
- Negotiations for the creation of a footpath link had been undertaken with Severnside Housing Association and SHA had also agreed to take on the affordable housing; and
- This was an outline application, would be sustainable and in accordance with SAMDev and the NPPF.

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

- Notification of this application had been sent to SHA residents in Severnside Longmynd View only three days prior to this meeting;
- He requested that a legal undertaking between the applicant and SHA be negotiated and agreed and included in a S106 Agreement to ensure a footpath is agreed in perpetuity before any planning application is agreed;
- In Longden Parish there was currently agreed planning permission for 44 dwellings;
- This was a sloping site and would be very visual and stand out in the landscape; and
- There was already concerns with regard to speeding in this area.

In response to comments and concerns, the Area Planning and Building Control Manager reiterated that this was an outline application; landscaping would be dealt with at the Reserved Matters stage; Members could request that any Reserved Matters application should be brought back to this Committee for determination; in order to maintain adequate privacy it would not be possible to develop the current application site for significantly more than the dwellings indicated in the report; the current application would be in accordance with the SAMDev submission of the Parish Council; the issue of the provision of the footpath would be adequately covered by the S106; and no highway objections had been raised with regard to this current application.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That this application be deferred to a future meeting to enable the following:

- The tenants of the Longmynd View flats (Severnside Housing Association) to be consulted on the application;
- Legal clarification to be sought and provided on the footpath/access walking link to Plealey Lane through the adjacent housing association garages site; and
- For a Highways Development Control Officer to be in attendance.

(At this juncture, the meeting adjourned at 4.10 pm and reconvened at 4.18 pm.)

92 Proposed Residential Development East Of Wilcot Lane, Nesscliffe, Shrewsbury, Shropshire (14/03259/OUT)

The Area Planning and Building Control Manager introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and indicative layout.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mrs Z Robins, representing Nesscliffe Hills & District Bridleway Association and Equestrians, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Development would generate a considerable amount of traffic;
- Would be outside the village boundary in open countryside;
- Would exit onto a single track lane used by horse riders, cyclists and walkers and there was no way for them to get out of the way of passing traffic other than by using private driveways;
- There were no passing places and no option for vehicles to reverse;
- Highways had acknowledged that Wilcott Lane was narrow;
- Delivery drivers would not travel all the way down the Nesscliffe Bypass to the south roundabout and then come back up the old A5;
- Would be contrary to CS4 and Parish Plan and would not be sustainable; and
- Wilcott Lane was the only link that horse riders and cyclists could use to access off road bridleways and the country park.

Mr T Mennell, 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 vehicles were seen during the site visit;
- Officers had addressed objections in the report;
- Scale of the application had been reduced as per a request from the Parish Council and in accordance with the Village Plan;
- Would be sustainable and in accordance with SAMDev and the NPPF; and
- Would provide a mix of housing and affordable properties.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Roberts, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The proposal would be contrary to the Parish Council's aspirations as set out in their Parish Plan and SAMDev;
- The Parish had put forward an aspiration of 45 dwellings and to date 230 houses had been proposed.

In response to comments, the Area Planning and Building Control Manager confirmed that the site would be situated on the edge of the existing settlement; the inclusion of bungalows could be conditioned; and reiterated that the number of dwellings referred to by speakers had not all been for dwellings within Nesscliffe but across the cluster and there had been a number of planning applications refused.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Some Members acknowledged the close vicinity of the centre of the village; welcomed the inclusion of bungalows; noted this was an outline application. Some Members expressed concerns regarding the high number of dwellings that had been proposed and agreed in this area and the narrow and twisted nature of the access road.

RESOLVED:

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

- A Section 106 Agreement to secure affordable housing in accordance with the prevailing rate current at the time of submission of Reserved Matters;
- The Reserved Matters submission to include bungalows on the plots as shown on the illustrative site plan; and
- The conditions set out in Appendix 1 to the report.

93 Mardol House, Shoplatch, Shrewsbury, Shropshire, SY1 1HS (15/00090/FUL)

The Principal Planner introduced the application.

In accordance with his declaration at Minute No. 88, Councillor Tim Barker, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He supported the proposal.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andrew Bannerman, as local Ward Councillor, made a statement and withdrew from the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He commented that discussions had taken place with Shrewsbury Town Council and an open evening had been held; and
- He urged approval.

RESOLVED:

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

94 Hargreaves Farm, Halfway House, Shrewsbury, Shropshire, SY5 9DH (14/01802/FUL)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings and photomontage displayed, he drew Members' attention to the location. He drew Members' attention to a further representation received from a resident following publication of the Schedule of Additional Letters and confirmed that the statutory notification procedures had been carried out and the site notice had been erected at the site as required.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr C Murphy, 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:

- Would introduce an industrial element into a rural area so would have a major detrimental visual impact on the surrounding area;
- Would be visible from the Stiperstones;
- There had been no consultation or engagement with the local community;
- Would have a detrimental impact on the nearby listed building;
- Government Planning Practice Guidance indicated that renewable energy should not override environmental protection or the planning concerns of the local community; and
- Contrary to the NPPF which indicated that applications should only be approved if the impact was deemed to be acceptable.

Mr P Hughes, 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:

- Family farm which had been in the family for years and diversification would ensure the farm remained viable;
- Would produce electricity for our own use and the National Grid;
- No objections had been raised by the Parish Council or technical consultees; and
- Would not be detrimental to tourism in the area.

In accordance with his declaration at Minute No. 88 and the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Roberts, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Would be in a prominent place and would be seen by people travelling along the A458;
- This would be the tenth turbine in the area so would have a detrimental cumulative impact on the landscape character of the area;

- Residents were concerned about the impact on their ability to sell their listed building; and
- The external colour of the turbine should be a matt off-white colour

(Councillor David Roberts did not return to the meeting.)

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

95 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 12 February 2015 be noted.

96 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee would be held at 2.00 pm on Thursday, 12 March 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date

Central Planning Committee

12 March 2015

Development Management Report Supplementary Report

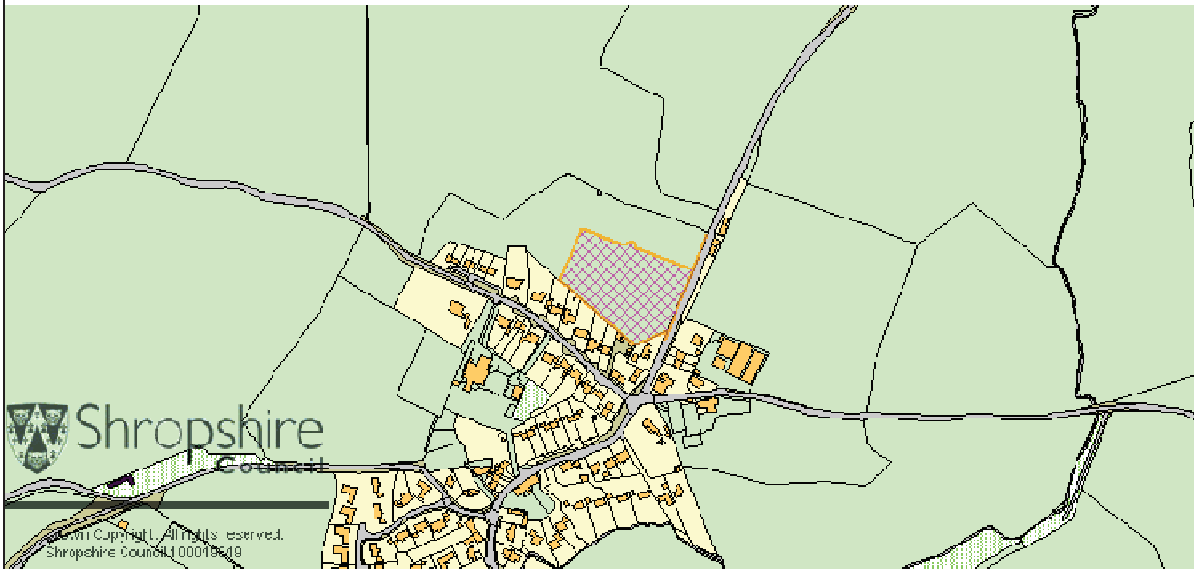
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/00467/OUT	<u>Parish:</u>	Longden
<u>Proposal:</u> Outline application (access for approval) for mixed residential development		
<u>Site Address:</u> Land At Longden Shrewsbury Shropshire		
<u>Applicant:</u> Mrs M Hardwick		
<u>Case Officer:</u> Nanette Brown	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 344273 – 306650



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

Members deferred determination of this application at Central Planning Committee on the 12th March 2015 to enable the following:

- The tenants of the Longmynd View flats (Severnside Housing Association) to be consulted on the application;
- Legal clarification to be sought and provided on the footpath/access walking link to Plealey Lane through the adjacent housing association garages site; and
- For a Highways Development Control Officer to be in attendance.

Officers can confirm that the occupants of 11-18 Longmynd View were 8 of 32 properties re-consulted on the 27th November 2014 on the amended plans which extended the application site boundary to include the footpath through the Longmynd View.

The applicant has submitted a letter confirming that Severnside Housing Association will be a signatory on the s106/Unilateral Undertaking to secure the footpath through Longmynd View, together with the affordable housing requirement.

A Highways Development Control Officer will attend the meeting to field any questions.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a Section 106 Agreement to secure affordable housing in accordance with the prevailing rate current at the time of submission of Reserved Matters.



Committee and date

Central Planning Committee

12 March 2015

Development Management Report

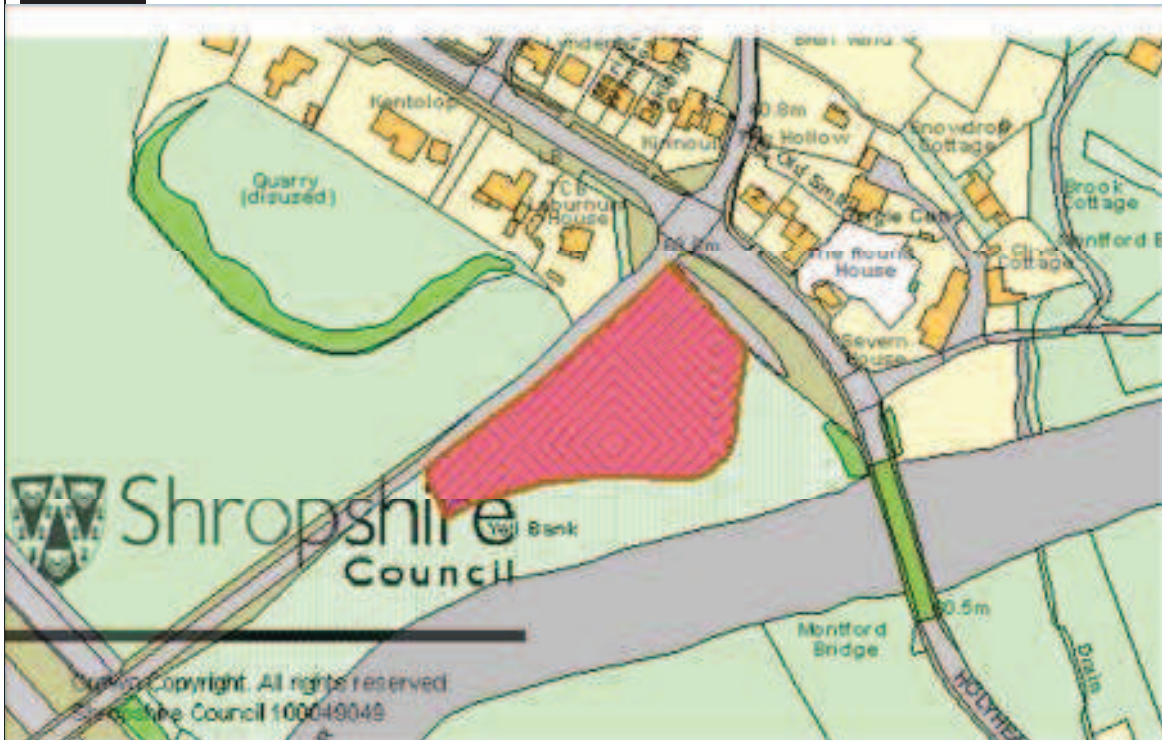
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/02964/OUT	<u>Parish:</u>	Montford
<u>Proposal:</u> Erection of 8 no. dwellings and formation of new vehicular access off Montford Bridge Road; Provision of car parking to serve the existing fishing rights of the site		
<u>Site Address:</u> Proposed Development Land NW Of Montford Bridge Montford Shrewsbury Shropshire		
<u>Applicant:</u> Mr James Wilcock		
<u>Case Officer:</u> Andrew Gittins		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 343096 - 315361



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

Recommendation:- Grant Permission subject to a Section 106 Legal Agreement to secure the requisite affordable housing and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1** The application seeks Outline approval, with all matters reserved for later approval for the erection of 8 dwellings. The indicative site layout indicates that vehicular access would be gained from the highway leading to Montford a short distance from the B4380 (old A5) that runs through Montford Bridge village. The proposed development includes the widening of this road and providing a footway link along it to joint with the footways running through the village.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site is a 0.66 hectare piece of Grade 3 agricultural land situated to the south-west of Montford Bridge. The site is bound on all sides by well established trees and dense hedgerow punctuated with a single field access. The site is located 160m from The River Severn at Montford SSSI and the River Severn (Montford Bridge to Shrewsbury) and 20m from the County Wildlife Site. Background to Recommendation: Across the highway from the site is the Grade II listed former Toll House built in the late 18th Century to an octagonal plan.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1** Montford 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 and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Montford Bridge Parish Council: OBJECTS to this plan as it far exceeds the number of houses allocated in MPC's Housing Strategy.**

- 4.1.2 SC Trees: No objection subject to conditions.**

There are a number of trees on this site, predominantly around the boundaries. 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 identified 168 individual trees and 5 groups of trees and 1 hedgerow which have been assessed in accordance with BS 5837 (2012) and includes a

categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The application is for outline planning permission and the AIA is based on the indicative layout of the site. This indicates that the hedgerow H1 and the majority of groups 1 & 2 will be lost. These features are categorised as C – low value – and their loss will not significantly impact on the amenity of the area.

The indicative layout demonstrates that adequate separation can be maintained between the proposed dwellings and the trees top the north and east boundaries, allowing them to be retained and protected to the required standard. These are prominent trees and their retention as part of this scheme is desirable.

No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise.

4.1.3 SC Public Protection: No objection subject to conditions.

The maps provided with the Phase 1 desk study note quarry to the north west which has been in-filled. No mention of this has been made and therefore I cannot agree that there are no likely risks to the proposed site. I would therefore advice that conditions are placed should this application be granted approval.

4.1.4 SC Highways: The highway authority raises no objections to the granting of outline consent.

Conditions:-

Condition: Prior to the commencement of the development full engineering details of the highway widening and footway link across the site frontage and to the B4380 shall be submitted to and approved in writing by the Local Planning Authority; these works shall be fully implemented in accordance with the approved details prior to the dwellings hereby permitted being first occupied.

Reason: In the interests of highway safety.

Informatives:-

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

Key Issues:-

Highway comments:

The application site is a short distance from the B4380 (old A5) that runs through Montford Bridge village. The carriageway from the B4380 junction to the site access narrows quickly, making it virtually single track beyond the junction. The proposed development includes the widening of this road and providing a footway link along it to joint with the footways running through the village. These improvements to the highway infrastructure are in my opinion necessary to make this development viable in terms of highway safety. The land on which the carriageway widening and footway are to be constructed adjacent to the public highway should be dedicated to the Highway Authority by means of a 'Deed of Dedication' but the loop road within the site would remain in private ownership.

4.1.5 SC Ecology: No objection subject to conditions / informative(s).

Star Ecology (2014) have now provided precautionary Risk Avoidance Measures for reptiles, which will also reduce the risk of harm to other wildlife during construction. A condition is recommended.

The remaining recommendations from my 30th September memo will also still apply.

30th September 2014:

I have read the above application and the supporting documents, including the Ecological Assessment by Star Ecology dated April 2014.

Recommendation:

Reptile survey results and mitigation for impact on reptiles should be submitted. The need for an Arboricultural Assessment is reiterated.

The following conditions and informative(s) are recommended:

Protected sites

The River Severn at Montford SSSI is 160m and the River Severn (Montford Bridge to Shrewsbury) County Wildlife Site is 20m from the site. Suitable conditions should be imposed so that no polluted drainage or increased sediment from the application site can enter the river.

Reptiles

Star Ecology (2014) consider the site contain potential habitat for reptiles in particular viviparous lizard. They recommend a reptile survey is carried out, which can be conducted between mid March and mid September. I am not aware that any survey results have been submitted.

In the absence of reptile survey results, Star Ecology should be asked to provide appropriate mitigation measures and further advice on the need for a translocation exercise.

Hedgehog

The site contains suitable hedgehog nesting and foraging habitat. Star Ecology recommends mitigation measures which should be undertaken. A condition is recommended.

Otters

Otters may occasionally traverse or forage on the site and therefore Star Ecology recommend mitigation measures, which should be conditioned as above.

Badgers

Although no signs of badgers were noted, it is possible that they cross the site. Star Ecology includes mitigation to avoid harm to any badgers crossing the site and this should be conditioned as above.

Bats

The site, being close to the River Severn, is likely to be used by bats for foraging and therefore lighting should be controlled. Star Ecology (2014) considered that none of the trees offer bat roosting opportunities and recommend installation of bat boxes.

Nesting birds

The proposal to remove a number of trees is noted on the submitted Block Plan. As requested by the tree officer, an Arboricultural Assessment, prepared in accordance with BS 5837: 2012 must be provided with the application. Star Ecology recommends installation of bird boxes.

If there are queries on this memo please contact me using the details below in the first instance. In my absence Nicola Stone (01743 252556) may be able to help.

4.1.6 SC Drainage: No objection subject to conditions / informative(s).

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.

4.1.7 SC Affordable Housing: No objection subject to s106.

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

The current prevailing target rate for affordable housing in this area is 15% this would mean a provision of 1 Affordable house on site and the fraction of a unit will be satisfied with a financial contribution. The assumed tenure of the affordable homes would be for affordable rent and these 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. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

4.1.8 SC Conservation:

Background to Recommendation:

This application affects lands at the south-west corner of a rural road junction with the main route through Montford Bridge. Montford Bridge is not designated as a Conservation Area and existing development nearby is generally of a contemporary nature but traditionally designed. Across the highway from the site is the Grade II listed former Toll House built in the late 18th Century to an octagonal plan.

Principles of Scheme:

The current application proposes to develop these lands for 8 single detached dwellings all fronting a crescent around an access lane. The new dwellings should be of a high quality of design that reflects local vernacular buildings in terms of scale, details and materials and which will not negatively impact on the setting of designated and non-designated heritage assets nearby. Building elevations within public views from the highway should be of a high quality along with the front elevations facing inwards towards the crescent.

Detail:

The submission and approval of external details should be conditioned. Roadside trees and hedges should be retained as much as possible.

RECOMMENDATION:

No major concerns raised in terms of historic environment matters. Relevant conditions should be included covering external materials (C1, C2 and C3).

4.2 Public Comments

4.2.1 Three letters received objecting to the proposal on the following grounds:

- Foul water drainage
- Additional traffic and associated vehicular noise
- Inaccuracies in Planning Statement in respect of community facilities
- Capacity of local school
- Previous use of site and potential contamination

5.0 THE MAIN ISSUES

Principle of development

Design, scale and external appearance / Impact on local and residential amenities

Other Material Consideration

- Contaminated Land
- Trees
- Highways
- Ecology
- Drainage
- Affordable Housing
- Impact on designated heritage assets

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicated otherwise. The development plan includes the Core Strategy and saved policies of the Shrewsbury and Atcham Local Plan. In terms of emerging policy, the SAMDev Plan was submitted to the Secretary of State in August 2014 and is currently being examined. Given the stage of advancement of this Plan, it is considered that some weight can be given to the proposed policies within it.

6.1.2 Development Plan and emerging planning policy: In relation to the current application, the site is not located within a Development Boundary as defined by saved Policy HS3 of the Shrewsbury and Atcham Borough Local Plan where new open market residential development would be acceptable. The site is therefore within an area classed as 'countryside' for the purposes of planning policy. Core Strategy Policy CS5 is therefore applicable. Policy CS5 controls new development in the countryside, and seeks to restrict open market dwellings from such areas.

6.1.3 The application site in this case is located on the edge of Montford Bridge, in open countryside in terms of planning policy, with Policy CS5 of the Core Strategy applying. Core Strategy Policy CS4 is also relevant as Montford Bridge West is a Community Cluster Settlement in Montford Parish where development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the village, with a housing guideline of approximately 10 additional dwellings over the period to 2026. Outline planning permission has been granted (2013) for 5 dwellings on land south-west of the Holyhead Road. Applications on further sites within or adjacent to the village will be considered on an individual basis, but with a maximum of 1-2 dwellings per site sought in the Parish Council's Montford Housing Strategy.

6.1.4 Outline planning permission reference 13/00464/OUT was granted in 2013 for 5 dwellings adjacent to Oaklands, Holyhead Road, with Parish Council support. A subsequent application (14/00518/OUT) for 35 dwellings was dismissed at appeal on the 19th December 2014 with the Inspector finding that due to the lack of a mechanism to secure the provision of affordable housing, the proposal would not

make adequate provision for local needs affordable housing in line with policy CS11 of the Council's CS. However the Inspector found that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production and that the proposal would also be acceptable with regard to the principle of sustainable development. A subsequent application (14/05742/OUT) was submitted on the 23rd December 2014 with the 13 week determination expiring on the 24rd March 2015. Applications (14/01728/OUT and 13/04429/OUT) for 5 and 2 dwellings respectively are also pending decision subject to a s106 legal agreement; which together with an approval for one dwelling was permitted under permission 13/01193/OUT takes the total to 13. It is therefore acknowledged that any further approvals will further exceed the housing guideline of approximately 10 additional dwellings.

6.1.5 Whilst emerging Policy MD3 recognises that settlement housing guidelines are a significant policy consideration, it outlines that where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:

- i. The increase in number of dwellings relative to the guideline; and
- ii. The likelihood of delivery of the outstanding permissions; and
- iii. The benefits arising from the development; and
- iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
- v. The presumption in favour of sustainable development.

6.1.6

- i. Montford's Housing Guideline is for approximately 10 and granting of this consent would represent a 110% increase;
- ii. All of the extant permissions or those pending decision have a minimum of 12 months before the submission of reserved matters are required so there is a reasonable likelihood that these will be delivered.
- iii. The benefits, cumulative impact and presumption in favour of sustainable development will be assessed in the following sections of this report.

6.1.7 National Planning Policy Framework: The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities which is a material consideration to be given significant weight in the decision making process. The NPPF imposes a presumption in favour of sustainable development. It 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. With regards to housing development paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development", and that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

6.1.8 Following the submission of the SAMDev Final Plan to the Planning Inspectorate in August 2014, 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.

- 6.1.9** In this case the application site is located within countryside for planning policy purposes and as such would not accord with Core Strategy Policy CS5. However, notwithstanding the above, weight must be given to the requirements of the NPPF and the presumption in favour of sustainable development. In terms of the sustainability of the development, the village of Montford Bridge benefits from a range of facilities and services. These include: a public house; two camping and caravanning sites and a regular bus service to nearby Shrewsbury and Oswestry; a church and village hall are located approximately a mile away at Montford. In this respect it is considered that Montford Bridge is a reasonably sustainable location in respect of accessibility and proximity to essential day to day services without over reliance or long journeys by private motor car.
- 6.1.10** It is acknowledged that Montford Bridge is proposed to be a Community Cluster, but that any further approvals could lead to the delivery of more homes than the approximate guidelines. Nevertheless, given the sustainable location of the settlement, and the degree to which the housing guidelines would be exceeded it is considered that the proposal can be supported in principle, as a departure from Policy CS5 in view of the increased emphasis on the NPPF and the presumption in favour of sustainable development.
- 6.1.11** However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use

natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 6.1.12** Economic role – This proposal for 8 dwellings will help boost the supply of housing in Shropshire and will provide opportunity for local employment for the construction phase of the development supporting local builders and building suppliers. The provision of the proposed dwellings would be expected to 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. The provision of a dedicated parking area for the fishing rights may also boost local tourism in line with CS16.
- 6.1.13** Social role – Settlements need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the settlement such as the pub, bus service and in the surrounding area the church and village hall. The NPPF positively encourages the siting of housing in smaller settlements where it will support facilities within the settlement and those nearby, thereby helping to retain services and enhancing the vitality of rural communities. Providing housing will support and maintain existing facilities, will benefit both the existing and future residents and help meet the needs of present and future generations. To this effect, the development proposes includes the widening of the road leading from the main junction and provision of a footway link along it to joint with the footways running through the village. This is considered to be of wider social benefits to the whole community and all users of this highway which would not be deliverable without this scheme.
- 6.1.10** Environmental role – The site forms part of an agricultural field, which whilst located within close proximity to the SSSI and County Wildlife Site has been examined in detail by Shropshire Council Planning Ecologist, Tree and Drainage Officers and conditions have been recommended to ensure that the development will not have any negative impact on the adjoining ecologically designated area. Whilst sections of hedgerow would be lost in order to form vehicle access, additional landscape planting could be proposed within the development site which would compensate for this. In terms of assessing the proposal in relation to the three dimensions of sustainable development it is therefore considered that in principle the proposed site represents a sustainable location for open market dwellings.
- 6.1.11** It is recognised that the site lies outside of the development boundary and would not comply with Development Plan policies which seek to restrict open market dwellings from such locations. Nevertheless it is considered that the proposal is consistent with the aims and objectives of the NPPF in respect of the presumption in favour of sustainable development and the need to boost significantly the supply of housing. It is considered that these are material considerations which can be given significant weight. On balance therefore it is considered that this location can be supported in principle.

6.2 Siting, scale and design of structure / Impact on residential amenity

- 6.2.1** The application has been submitted as an Outline with all matters reserved for later application. However the indicative layout illustrates that up to 8 dwellings could be accommodated at an appropriate density with adequate private, domestic curtilage, parking and turning areas, including those for the fishing rights, without resulting in a cramped or contrived appearance with further details assessed at the reserved matters stage of development. The proposed development will not have any adverse impact on residential amenities.

6.3 Contaminated Land

- 6.3.1** The application has been submitted with a Phase 1 desk study with the accompanying maps noting a quarry to the north west which has been infilled. However no mention of this has been made and the Council's Public Protection (Specialist) Officer's cannot agree that there are no likely risks to the proposed site. As such they have advised that conditions are placed should this application be granted approval.

6.4 Trees

- 6.4.1** The application was originally commented upon by Shropshire Council's Tree Team in July 2014, and an Arboricultural Assessment was subsequently submitted as there are a number of significant trees present on or adjacent to this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term.

- 6.4.2** However the submission of the AA has allowed an assessment of these impacts and implications and the consequences for the landscape and public amenity of the area and the wider environment. The Council's Tree Officer is now satisfied that the proposed development makes provision to retain trees identified as significant or potentially significant in the terms of public amenity and provides justification and mitigation where their removal is proposed. Indeed the indicates that only hedgerow H1 and the majority of groups 1 & 2 will be lost. These features are categorised as C – low value – and their loss will not significantly impact on the amenity of the area. As this is an outline application the information demonstrates that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained trees. The Tree Officer is therefore satisfied that the proposed development will not have a substantial negative impact on the adjacent trees and the wider amenity and has no objection to the scheme subject to the attachment of conditions as the scheme accords with the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.

6.5 Highways

- 6.5.1** The application has been assessed by Shropshire Council's Highways Development Control Team who have noted that site is a short distance from the B4380 (old A5) that runs through Montford Bridge village. The carriageway from the B4380 junction to the site access narrows quickly, making it virtually single track beyond the junction. The proposed development includes the widening of this road and providing a footway link along it to joint with the footways running through the village. These

improvements to the highway infrastructure are in my opinion necessary to make this development viable in terms of highway safety. The land on which the carriageway widening and footway are to be constructed adjacent to the public highway should be dedicated to the Highway Authority by means of a 'Deed of Dedication' but the loop road within the site would remain in private ownership. Accordingly there is no objection subject to the attachment of a condition requiring the submission of full engineering details prior to the commencement of development.

6.6 Ecology

6.6.1 The River Severn at Montford SSSI is 160m and the River Severn (Montford Bridge to Shrewsbury) County Wildlife Site is 20m from the site and the application has been submitted with an ecology survey, Risk Avoidance Measures for reptiles and Arboricultural Assessment. The application has been assessed by Shropshire Council's Planning Ecologist who has no objection subject to the attachment of conditions and informative(s) in respect of hedgehogs, otters, badgers, bats and nesting birds and a conditions to prevent polluted drainage or increased sediment from the application site can entering the river.

6.7 Drainage

6.7.1 The application has been assessed by Shropshire Council's Flood and Water Management Team who have acknowledged that part of the site on the south east corner slightly encroach onto Flood Zones 3 and 2. A Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted for approval concurrently with the first submission of reserved matters to ensure that it complies with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. The drainage details will also cover areas of concern raised by local residents in respect of foul and surface water drainage and Ecology in respect of the impact on the SSSI.

6.8 Affordable Housing

6.8.1 Officers note the recent Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application. However, following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (please see the public statement of the Council 'as published on the website 30/01/15' – or 'attached as appendix').

6.8.2 Given the above, it is recommended that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of the policy. Non compliance with the requirements of adopted Core Strategy Policy CS11 would mean that the proposal would be in clear conflict with the aims and requirements of the Development Plan and should therefore be refused, unless other material considerations indicate otherwise.

6.8.3 Based on the current prevailing rate of 15%, a scheme of 8 dwellings would require the on-site provision of one on-site affordable unit should this remain the rate at the time of submission of Reserved Matters.

6.9 Community Infrastructure Levy

6.9.1 Core Strategy Policy CS9 (Infrastructure Contributions) and the related Charging Schedule indicates that development that provides additional dwellings, or residential extensions over 100 square metres, should help deliver more sustainable communities by making contributions to the local infrastructure. The proposed development would be liable to this Community Infrastructure Levy (CIL).

6.10 Impact on designated heritage assets

6.10.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

6.10.2 The site is located across the highway from the site is the Grade II listed former Toll House built in the late 18th Century to an octagonal plan. The application has been assessed by the Council's Historic Environment (Conservation) who considers that the development would result in less than substantial harm. The appraisal undertaken above considers that the development is located in a sustainable location and the benefits will outweigh any harm including that to the setting of the listed building. Accordingly it is considered that the development complies with the cited policies.

7.0 CONCLUSION

7.1 The application site would not accord with Policy CS5 of the Core Strategy regarding the provision of open market dwellings within the countryside, or with emerging Development Plan policy as whilst Montford Bridge is proposed to be a Community Cluster, permissions have already been granted which would result in exceedance of the housing guidelines. Nevertheless the proposed development falls within a sustainable location, and significant weight should be given to the NPPF which aims to significantly boost housing supply and provides a presumption in favour of sustainable development. Whilst it is acknowledged that the site lies in proximity of Listed Buildings, it is considered that the site has the potential to be designed, as part of the reserved matters, to ensure that it does not have a significant impact on heritage assets, or residential amenity. In addition, matters relating to landscaping and drainage can be dealt with as part of the detailed design of the proposed at the reserved matters stage. Overall it is considered that the benefits of the proposal in providing limited additional residential development in a sustainable location are sufficient to outweigh issues in relation to conflicts with Core Strategy Policy CS5 and emerging planning policy. As such it is considered that outline planning permission can be granted subject to the conditions as set out in Appendix 1.

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

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Core Strategy and Saved Policies:

SAMDev Plan

Shropshire Council Core Strategy (February 2011)

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS9 : Developer Contributions

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

N/A

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Roberts

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the siting, design and external appearance of the development and 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 12 months 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. Details of a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority concurrently with the submission of the first reserved matter. The approved scheme shall be completed before the development is occupied.

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

5. As part of the reserved matters details of the location and design of 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. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

6. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Assessment by Star Ecology dated April 2014.

Reason: To ensure the protection of badgers, hedgehogs and otters

7. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Risk Avoidance Measures for Reptiles by Star Ecology dated November 2014

Reason: To ensure the protection of reptiles and other wildlife.

8. 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

9. 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. 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.

11.
 - a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
 - b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

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

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

Note: In order to address the potential for gassing from the infilled material it is suggested that monitoring is carried out at the north west boundary of the site in order to establish if there is any gas migrating from the former quarried area to the proposed site. Alternatively information should be provided which states that gassing is not likely due to the type of infill material used e.g. inert material, this would be acceptable.

12. Prior to the commencement of the development full engineering details of the highway widening and footway link across the site frontage and to the B4380 shall be submitted to and approved in writing by the Local Planning Authority; these works shall be fully implemented in accordance with the approved details prior to the dwellings hereby permitted being first occupied.

Reason: In the interests of highway safety.

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

13. Prior to the first occupation of the dwellings six artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site.

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

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

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

Informative(s)

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

2. In order to make the properties ready for electric vehicles, the applicant should consider the installation of charging point isolation switches should be connected so that a vehicle may be charged where off road parking is provided. This should involve the provision of an independent 32 amp radial circuit isolation switch at each property for the purpose of future proofing the installation. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.
3. The alterations to the highway required to form the new access points and undertake the works on the highway, shall not commence until the applicant has obtained a Highways Act, Section 184 licence issued by the Highway Authority to undertake the works. Details of how to obtain this licence, the fee charged and the specification for the works are available on the Council's web site.
4. 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.

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

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

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

6. Part of the site on the south east corner slightly encroach onto Flood Zones 3 and 2. A Flood Risk Assessment in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework should be completed and submitted for approval.

A FRA should include, as a minimum:

' Assessment of the Fluvial flooding (from watercourses)

' Surface water flooding (from overland flows originating from both inside and outside the development site)

- ' Groundwater flooding
- ' Flooding from artificial drainage systems (from a public sewerage system, for example)
- ' Flooding due to infrastructure failure (from a blocked culvert, for example)
- ' Flood compensation storage, finished floor levels and evacuation plan should be detailed.

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

2. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

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

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

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

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

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

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

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

- ' Greywater recycling system
- ' Green roofs

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

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

6. Consent is required from the service provider to connect into the foul main sewer.

-

This page is intentionally left blank



Committee and date

Central Planning Committee

12 March 2015

Development Management Report

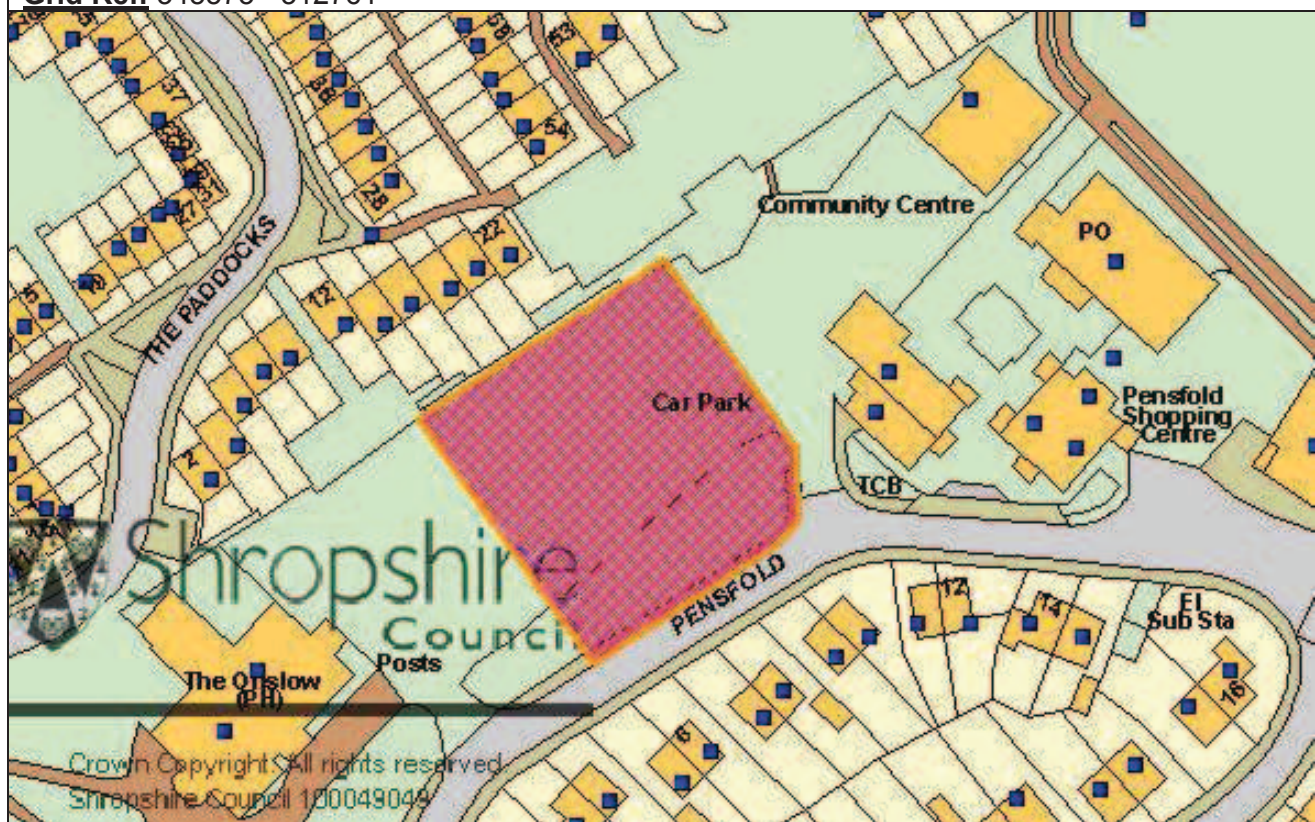
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/04195/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of 12 dwellings (8 terraced houses and a 4 unit apartment building), formation of a vehicular access and associated works (amended description)		
<u>Site Address:</u> The Onslow Hotel, Pensfold, Bicton Heath Shrewsbury SY3 5HF		
<u>Applicant:</u> Mr Mat Morris		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 345573 - 312761



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

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure 3 affordable dwellings on site.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 12 dwellings (8 terraced houses and a 4 unit apartment building) and formation of vehicular access. The application when first submitted included a 3 storey building to provide 6 apartments but this has been amended to a 2 storey building to reflect the scale and design of the semi-detached dwellings opposite.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is part of the large car park associated with the Community Centre and is surplus to requirements and little used the majority of the day. It is used in the morning and afternoon by some parents to park their cars when collecting children from school but this is an informal arrangement and the owners of the car park could close the car park and prevent the public from using it at any time.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the 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 Drainage:

The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

4.1.2 SC Highways:

The highway authority raises no objection to the granting of consent and provided the following initial response to the application dated 17/11/14:

“Further information is required regarding the loss of parking before the local highway authority is able to provide a recommendation on this application.

We understand that the various community facilities on this site are within the applicant's ownership so they have a responsibility to ensure that sufficient parking is available for the use of these facilities to prevent parking on the adjacent public highway. We are aware of the arrangement in place for parents to use the car park

to drop off their children who attend the nearby Oxon Primary School. However the landowner allows this parking on an informal basis and as the car park is privately owned, the landowner has no responsibility to provide parking for another facility outside their ownership.

We require the applicant to carry out a parking survey to establish the occupation of the car park and the available capacity. Data is required for normal working days, weekday evenings and at the weekend. We suggest that two sample working days and evenings between Tuesday and Thursday and weekend afternoons and evenings be surveyed. In our assessment of this data we will take into consideration any time periods which are affected by the school.”

Following this response the applicant carried out a survey of the car park on a normal school day with the results published in the supplied Highway/Parking Statement. The survey revealed that this car park is used almost exclusively for parents dropping off their children to Oxon School, presumably because this is the most convenient car park to use at the Pensfold community centre site. We understand that parents are encouraged to park at the Pensfold community centre by the school, as opposed to parking off Racecourse Lane due to safety considerations there. However no formal arrangements for this parking exist with the Pensfold community centre owners, who have no responsibility to provide parking for the school.

Whilst the proposed development if constructed will displace the existing parking, we agree with the conclusions of the report that most if not all of the vehicles counted can be accommodated on the remaining car parking at the wider community centre site, in particular it is likely that the adjacent Onslow pub car park will not have many vehicles parked in it during school drop off and closing times. There is the possibility that some parked vehicles may be displaced by this development onto the surrounding public highways, but the fact remains that the owner of the car park could choose to restrict the school parking that occurs here at any time, irrespective of the proposal of any development. We understand that the site owners do not intend to restrict school parking on the site any time in the future and this could be considered to be in their best interests as the businesses occupying the site require the support of the local community. We therefore consider that if the development does go ahead, the parking will migrate to elsewhere on the car park and there should be little or no increase in parking on the surrounding public highways.

We note that 27 parking spaces have been proposed for the 14 units, which should be more than sufficient to accommodate parking for an affordable dwelling site. There does also appear to be space within the car park for some ‘overspill’ parking by residents/visitors if required.

The development proposes to use the existing community centre road for access, which we encouraged in early discussions regarding this development. We were keen not to see a further access created on to Pensfold as there is a lot of activity in this area.

4.1.3 SC Affordable Houses:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The current prevailing target rate for affordable housing in this area is 20% and therefore a development comprising 14 dwellings would necessitate a provision of 2.8. The whole units (2) would be provided on site and the remaining fraction as a financial contribution. However, the accompanying proforma notes that three affordable dwellings would be provided on site, thereby exceeding Policy requirements. The assumed tenure split of the affordable homes would be for 2 dwellings to be rental as per the SPD and the remaining one, low cost home ownership. There would be an expectation for the affordable dwellings to be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's Allocation Policy.

4.2 - Public Comments

4.2.1 11 letters of objection have been received summarised as follows:

Highways/Parking/Access

14 dwellings is over development of the site and will result in additional traffic
Insufficient parking for proposed dwellings

Loss of parking for parents who use this car park when dropping off and collecting children from school which will result in parking in the street and congestion particularly in Racecourse Lane

Loss of parking for the community centre and shops leading to more congestion and impact on highway and pedestrian safety

The access is also used by delivery vehicles and increased traffic in addition to existing will impact on highway safety.

Disputes the figures in the highway assessment and considers that the area cannot accommodate cars at the school drop off and pick up times without keeping this car park for that purpose. Considers that Shropshire Council should undertake its own traffic survey and also block off the car park for a day to assess the impact.

Impact on residential amenity

Overlooking of existing properties and loss of privacy

Noise from the proposed properties affecting existing residents

Destruction of an existing outlook of hedges and trees

Devaluation of properties

The adjacent funeral director business may affect future residents

4.2.2 **Shrewsbury Town Council** – Objects – Members felt strongly that a development of 14 dwellings is inappropriate and overdevelopment of this site. It is already a heavily congested area with traffic especially at peak times surrounding school drop offs/pick-ups and the new development would exacerbate this issue. Parking already spreads into Pensfold which blocks residents from entering/leaving their

own property and at times prevents access to the shops. Deliveries to the businesses would be hampered and members were concerned for the safety of pedestrians, especially children, at these peak times. Members objected to the previous application for far less properties but their reasons against the application remain.

4.2.3 **Local member Cllr Adams:** Objects

1. The terraced houses are said to be in line with existing local ones. This may be true but planning ideas have moved on. Virtually all planning officers say that the layout of properties on Gains Park would not be allowed now, but this plan extends a failed idea. To see a better type of plan see the current ideas for Corner Farm Drive.

2. The justification used for building on the car park was that the owners could remove permission for use at any time, because it is their private land, but in the same document, it says the top part of the car park can be used instead. But this land is owned by the same people who could do the same with that. I find this intellectually incoherent, and insulting.

3. We know in practice this decision will cause traffic and parking problems, and virtually nothing has been done to support the school and local residents to cope here.

4.2.4 **West Mercia Police Crime Prevention Design Advisor** - . There are opportunities to design out crime and /or the fear of crime and to promote community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com. Section 17 of the Crime and Disorder Act 1998 states that it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

5.0 **THE MAIN ISSUES**

Principle of development
Layout, scale, design and appearance
Impact on neighbouring properties
Access and parking
Developer Contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The development will be situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that could be accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents development of a brownfield site which is supported by the NPPF. This weighs heavily in favour of the development in addition to the provision of much needed smaller lower cost homes in addition to 3 affordable homes.

6.2 Layout, scale, design and appearance

- 6.2.1 The application when first submitted included a 3 storey building to provide 6 apartments but following officer advice this has been amended to a 2 storey building that reflects the scale and design of the semi-detached dwellings opposite. The row of 8 dwellings matches the footprint of the dwellings to the rear and offers a satisfactory amount of amenity space in keeping with and more than some properties in the locality. It is considered that the dwellings would not appear cramped on the site and will respect the context and pattern of the surrounding development and would not adversely impact on the character and appearance of the locality and therefore accords with CS6 in this respect.

6.3 Impact on neighbouring properties

- 6.3.1 Some residents are concerned that the proposed dwellings will result in noise and disturbance to existing residents but it is not considered that the noise from the use of the site for residential purposes would be any greater than its existing use as a car park. There is no right to a view and this and the concern about devaluation in property prices is not a material planning consideration. There is also concern that the proposal would result in overlooking and a loss of privacy. It is not considered that the relationship between the front of houses in Pensfold and the front elevation of the proposed apartment building is any greater than the relationship between the fronts of houses in this locality and a distance of between 18 and 20 metres is an acceptable distance between front facing elevations. Similarly the proposed row of 8 properties will be back to back with properties in The Paddocks and it is also considered that a separation distance of approximately 20 metres is also acceptable and more than the average distance of 17 metres between the rear elevations of existing properties in this locality. It is therefore considered that the proposal would not result in overlooking and a loss of privacy and would have no significant impact on existing residents.

6.3 Access and parking

- 6.3.1 Access to the site will be via the existing community centre road off Pensfold and Highways have no objection to this and do not wish to see an additional access

created on to Pensfold. The proposal has been reduced from 14 to 12 and 24 parking spaces will be provided (2 for each dwelling) which is considered satisfactory and exceeds the parking standards. The majority of objection has been to the loss of part of this car park for public use and that it will result in congestion in the roads in the area at school drop off and pick up time. However this is a private car park and could be closed at any time and is not a material consideration to be taken into consideration when determining this application. However Highways did ask for a highway assessment and have commented that whilst the proposed development will displace the existing parking, considers that most if not all of the vehicles counted can be accommodated on the remaining car parking at the wider community centre site and that it is likely that the Onslow pub car park will not have many vehicles parked in it during school drop off and closing times. Has commented that there is the possibility that some parked vehicles may be displaced by this development onto the surrounding public highways, but that the owner of the car park could chose to restrict the school parking that occurs here at any time. It is considered that the proposal will not result in a significant increase in traffic, adequate parking for future occupiers and visitors will be provided, adequate parking will remain available for use by visitors to the Community Centre and shops and it is considered that the proposal would have no adverse highway implications.

6.4 Developer Contributions

- 6.4.1 CS11 requires that all new housing developments make a contribution to affordable housing and the relevant rate in this location is 20% which equates to 2.4. The applicant will either provide 3 affordable units on site or 2 whole units and a financial contribution for the balance. The proposal will also be liable to CIL and this could partly be used to address any perceived issue regarding parking for parents.

6.5 Drainage

- 6.5.1 SC drainage has confirmed that surface water drainage details can be conditioned and submitted for approval prior to commencement of development.

7.0 CONCLUSION

- 7.1 The development of this brownfield site is acceptable in principle providing 12 dwellings situated in a sustainable location within the urban area of Shrewsbury. The relevant AHC will be secured by a S106 including 2 o4 3 units on site. It is considered that the dwellings would not appear cramped on the site and will respect the context of the surrounding development and would not adversely impact on the character and appearance of the locality or the amenity of neighbouring residents. A safe means of access exists and adequate parking will be provided. The loss of parking for parents during school drop off and pick up time is not material to the consideration of this application as the car park could be closed to public use at ant time by the current owners. It is therefore considered that the proposal accords with the NPPF and Shropshire policies CS2, CS6 and CS11.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

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

9.0 Financial Implications

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

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

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

RELEVANT PLANNING HISTORY:

SA/04/0724/F - Erection of 7 No. 2 storey terraced houses, together with new vehicular and pedestrian access and parking area (amended description). REFUSED 29.07.2004

11. Additional Information

View details online:

List of Background Papers: File 14/04195/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Adams
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, 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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o 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.

4. Prior to the commencement of development a surface water drainage strategy to include full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. The approved details shall be implemented prior to the first occupation of the dwellings.

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

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

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

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

6. The parking and turning areas shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

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

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

- extension to the dwelling
- addition or alteration to the roof
- any windows or dormer windows

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.

This page is intentionally left blank



Committee and date

Central Planning Committee

12 March 2015

Development Management Report

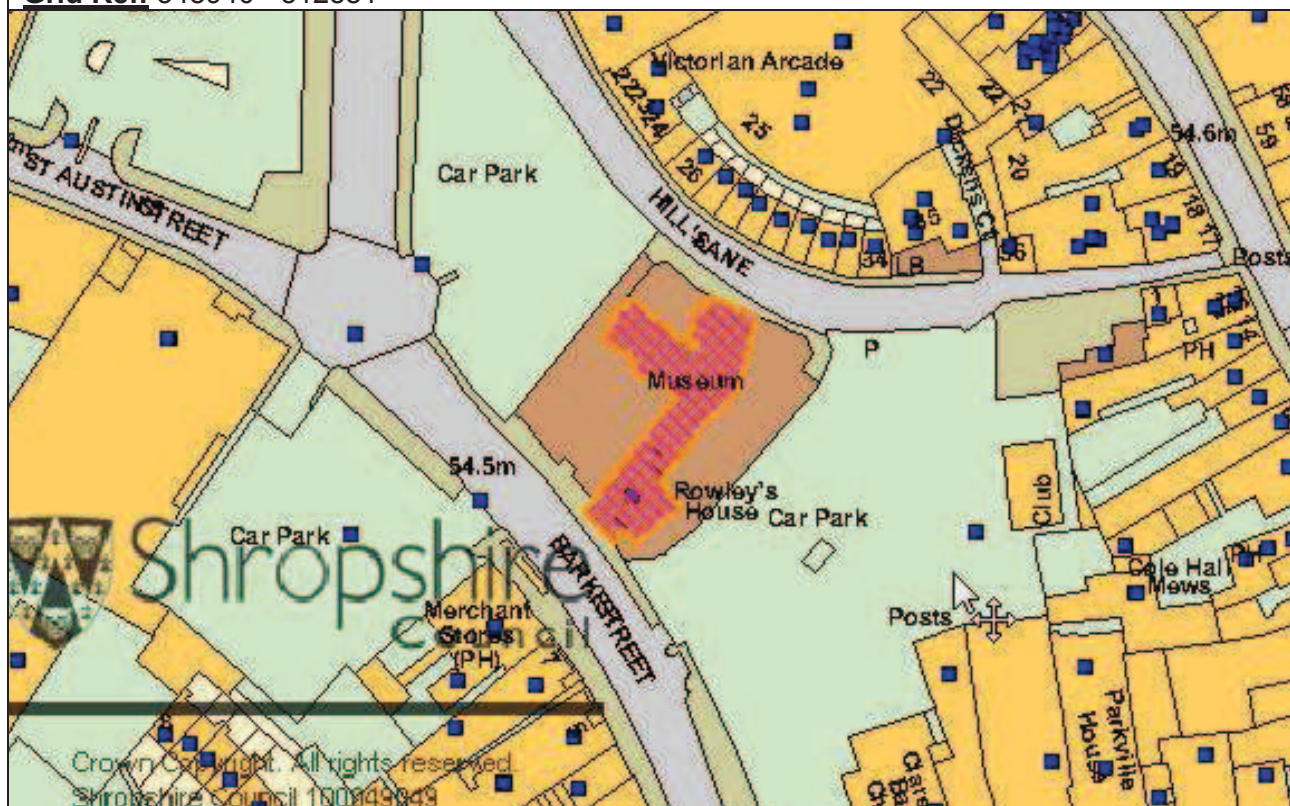
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 15/00066/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use from current D1 (Museum) to D1 (Education and Administration)		
<u>Site Address:</u> Rowleys House Museum Barker Street Shrewsbury Shropshire SY1 1QH		
<u>Applicant:</u> University Of Chester		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 348940 - 312581



© 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 relates to change of use from Museum to D1 (Education and Administration). It is proposed that the building will become the administrative hub for the University Centre Shrewsbury and initially for the first year or two it is planned that teaching on Post-Graduate courses will be held in this location. No internal or external alterations are proposed.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Mardol house is a Grade 2* listed building situated within the centre of Shrewsbury.

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 it relates to an application made by the Council on land owned by the Council where the development is not in line with statutory functions.

4.0 Community Representations

4.1

4.1.1 - Consultee Comments

- 4.1.2 There are no statutory consultees.

4.2 - Public Comments

- 4.2.1 Shrewsbury Town Council - SUPPORTS -Members are supportive of this application and are pleased that a significantly important building in a prime location will continue to be fully utilised. However, they ask that, providing it does not interfere with its use, an element of the building remains publicly accessible even if times are restricted i.e. tours on certain dates.
- 4.2.2 Shrewsbury Civic Society – SUPPORTS – Having a University in Shrewsbury might enrich the town and are delighted that this building has a sustainable further use and no external alterations are proposed that may affect the Conservation area.

5.0 THE MAIN ISSUES

Principle of the proposed change of use

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 This application relates to change of use of Rowleys House from D1 (Museum) to D1 (Education and Administration). The new use is proposed in association with the arrival of 'University Centre Shrewsbury' in September 2015, a division of Chester University which will be based in Shrewsbury.

6.1.2 The proposal accords with the principles of the NPPF representing sustainable development on a previously developed site in this Town Centre location. It also complies with Core Strategy Policies CS2 which identifies Shrewsbury as the primary location for the provision of services and infrastructure in addition to commercial and residential uses. CS2 also supports development which promotes, protects and enhances the vitality and viability of Shrewsbury town centre. The university is expected to bring significant economic benefits to Shrewsbury and in particular the town centre economy.

6.1.3 CS8 (Facilities, Services and Infrastructure) promotes the provision and enhancement of facilities and services (including education) in appropriate locations that improves access to these facilities.

6.1.4 The site is situated within the Town Centre and is easily reached by public transport and is in easy walking distance of the train and bus station, buildings within the town centre that are to be used as student accommodation, and the main teaching areas which are proposed to be located in the Guildhall at Frankwell. It is therefore considered that the proposed new use for this building represents sustainable development and is acceptable in principle.

6.2 Other Matters

6.2.1 **Parking** - The proposal includes no parking provision and this is consistent with saved local plan policy T13, which discourages the provision of new parking within the Shrewsbury 'river loop', and is acceptable in this town centre location with good public transport. It is noted that students are unlikely to own cars and that staff can either use public transport or pay for parking adjacent to this site or the Guildhall.

6.2.2 **Impact on the building and Conservation Area** – the proposal includes no external or internal alterations so the character and appearance of the building and

its setting within the Conservation Area will be preserved. If any external or internal alterations are proposed in the future an application for Listed Building Consent will be required. Advert consent would also be required for any proposed signs.

7.0 CONCLUSION

7.1 It is considered that the proposed use of Rowleys House for Education and Administrative purposes is acceptable in principle in this sustainable location within Shrewsbury Town Centre. The proposal includes no alterations to the building and would therefore have no adverse impact on the appearance of the building or local amenity. The proposal therefore accords with the NPPF and Shropshire LDF policies CS2 and CS8.

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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies:

CS2 : Shrewsbury – Development Strategy

CS8 : Facilities, Services and Infrastructure

Shrewsbury & Atcham Borough Local Plan (June 2001) Policies : Appendix 2 Car and Cycle Parking Standards.

RELEVANT PLANNING HISTORY:

SA/79/1165 Restoration of Rowleys Mansion eventually to be used as a museum.
NOOBJC 21st January 1980

SA/08/1068/DDM Installation of a disabled access ramp PERCON 16th October 2008

SA/08/1067/DDM External alterations in connection with installation of disabled access affecting a Grade II* Listed Building PERCON 4th December 2008

11. Additional Information

[View details online:](#)

List of Background Papers: File 15/00066/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Andrew Bannerman
Appendices APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

This page is intentionally left blank



Committee and date

Central Planning Committee

12 March 2015

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 15/00160/COU	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Change of use of the building (excluding part of the first floor to be retained as B1 use) from Offices (B1) to non-residential educational (D1) (amended description)		
<u>Site Address:</u> Guildhall Frankwell Quay Shrewsbury Shropshire SY3 8HQ		
<u>Applicant:</u> University Of Chester		
<u>Case Officer:</u> Jane Raymond		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 349004 - 312875



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

Recommendation: Officers recommend that members resolve to grant planning permission subject to the conditions set out in Appendix 1 and give officers delegated authority to issue the planning permission subject to the following:

- receipt of a satisfactory FRA
- confirmation from the EA that they do not object to the proposal
- a S106 agreement to secure the required financial contribution to the EA
- the imposition of a condition regarding a FEMP

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to change of use of the Guildhall (excluding part of the first floor to be retained as B1 office use) from Offices (B1) to non-residential educational (D1). No internal or external alterations are proposed. This proposal to provide teaching and education services alongside the application to use Rowleys House as an administration and education centre will help create an Education Quarter in and around Frankwell, making use of existing Council physical assets as part of the teaching, research and learning support in association with the arrival of 'University Centre Shrewsbury'.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Guildhall is located in Frankwell adjacent to the river and is currently used as office accommodation by Shropshire Council and the Town Council. The application does not relate to the part of the first floor which is to remain as B1 office use and can continue to be used as offices by the Town Council.

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 it relates to an application made by the Council on land owned by the Council where the development is not in line with statutory functions.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Conservation (Historic Environment):

The Guildhall is a large modern building sited in a visually prominent position on the north side of the River Severn within the Shrewsbury Conservation Area, and features within views from the Town Centre looking across the river towards both

the Frankwell and Mountfields Special Character Areas which make up part of the larger Conservation Area. The application proposes that the building is used for University student accommodation along with part of the building remaining occupied by the Shrewsbury Town Council offices.

Principles of Scheme:

There is no objection in principle to the proposed new use of this modern building for student accommodation. As noted in our earlier comments on a similar application affecting Mardol House in the town centre, it is not clear from the application what if any modifications would be made externally to the building and this is of course important to assess given the building's prominent location within the Conservation Area. Additional information is required in this regard. We would, as previously, recommend that all windows to student rooms are kept free of decoration/banners/flags etc to ensure that the appearance of the building is maintained as such decoration could have a detrimental impact on the character and appearance of the area and views of the building and its setting within the Conservation Area.

RECOMMENDATION:

No objection in principle subject to further information regarding any external modifications proposed or required.

4.1.2 SC Archeology (Historic Environment):

We have no comments to make on this application with respect to archaeological matters.

4.1.3 SC Public Protection – Specialist:

Having considered the application and have no objections.

4.1.4 Environment Agency (Initial advice provided to the applicant):

Flood Risk

Based on the EA Flood Map for Planning (Rivers and Sea) the proposed development site is located within Flood Zone 3 of the River Severn and benefits from the Frankwell Flood Defence Scheme (FDS). The FDS partially comprises of demountable sections which need to be erected prior to the onset of flooding. The defence provides protection to the 100 year standard with some 'freeboard' allowance. Shropshire Council's Level 2 Strategic Flood Risk Assessment (SFRA) confirms that the Frankwell Scheme would overtop during a 100 year plus climate change flood event, in considering the lifetime of the development.

Where residual risk from areas protected by flood defences occurs, National Planning Practice Guidance (NPPG) states that SFRAs should indicate the nature

and severity of the risk remaining, which should be used to inform the site-specific FRA. The Executive Summary in the Level 2 SFRA states "Breach scenarios at Frankwell have demonstrated that if a breach occurred during the 1 in 100 year event, inundation would be rapid, with fast, deep waters producing areas of extreme flood hazard. The area of inundation would be equal to if the defence wasn't there." Therefore, the EA recommend that undefended levels should be assessed as a worst case scenario.

Development Proposals and the National Planning Practice Guidance:

The proposed development is classified as 'More Vulnerable' in accordance with 'Table 2: Flood Risk Vulnerability Classification' of the NPPG; non-residential educational establishments.

Sequential and Exception Test

The EA note that the application is for a change of use, which in line with the National Planning Policy Framework (NPPF) and the NPPG, the Sequential Test (ST) and Exception Test (ET) 'do not need to be applied' but will still have to meet the requirements of a site specific FRA'.

Flood Risk Assessment

Paragraph 103 (Footnote 20) of the NPPF requires a site specific FRA for all proposals in Flood Zones 2 and 3 and for proposals of 1 hectare or greater in Flood Zone 1. In accordance with the NPPG the FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account without increasing flood risk elsewhere.

The EA FRA Guidance Note 3 provides comprehensive advice, relevant to a number of development types to varying degrees, and in addition the EA would offer the following advice:

Finished Floor Levels

The EA usually advise that Finished Floor Levels (FFLs) for new buildings should be set no lower than 600mm above the 100 year river flood level plus climate change, and that where conversion of a building makes this challenging, that other protection is provided.

In this instance, the EA would expect sufficient information to be provided to confirm the FFLs, how this relates to flood risk, and if appropriate (e.g. services vulnerability at a lower level) flood proofing techniques are considered to minimise damage. For more information on resistance and resilience techniques see: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Safe Access and Evacuation

As a More Vulnerable use, the EA preference would be for the FRA to demonstrate

‘safe’ pedestrian access, either above the 100 year river flood level plus climate change, or where this may not be achievable, pedestrian access maybe demonstrated as acceptable based on an appropriate assessment of ‘hazard risk’ including water depth, velocity and distance to higher ground (above the 100 year river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – ‘Danger to People for Combinations of Depth & Velocity’ (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320 at: <http://www.hydres.co.uk/tools/FD2320%20TR2%20Final%20Jan%2006.pdf>).

However, in the absence of safe pedestrian access, as outlined above, in this instance the EA would not be minded to object to the proposed development. This is on the basis that whilst the use would be More Vulnerable, as it does not include overnight accommodation and the users of the site are unlikely to include children, the elderly and the infirm, it is considered to be at the lower end of that classification.

The proposal would need a Flood and Evacuation Management Plan (FEMP). It would appear that there are two options for inclusion within the FEMP; firstly, a scheme to show how the building might be evacuated ‘dry’ i.e. upon the issue of a flood warning linked to an appropriate flood level, or secondly, a scheme to account for a ‘wet’ escape, for example if demountable defences are not deployed, or the defences overtop or breach. This may include evacuation via an alternative route if practical, and provision for vehicular exit. The Plan would also include receipt of appropriate flood warning notification. The Council’s Emergency Planning Officer might assist you in this.

Developer Contribution

As above, the site benefits from the Frankwell Flood Defence Scheme, maintained and operated by the EA, in addition to the EA flood warning service.

The EA seek a developer contribution towards maintaining and operating these. This is in line with the Council’s Developer Contributions Supplementary Planning Document (SPD) and for context was agreed with two recent adjacent proposals at the Stew, and Frankwell Quay Warehouse.

The EA seek a £27,000 contribution to take into account the benefit to the proposed use of deploying the demountable defences over the lifetime of the development. This figure has been based on EA maintenance and operation costs for the Frankwell defences, worked out as a proportion for the lifetime of the development (taken as 60 years for commercial development). The EA would also seek £5,000 towards maintaining and operating the EA flood warning service, giving a total of £32,000.

This sum would need to be agreed and secured prior to any planning permission being granted through a unilateral undertaking or a Section 106 agreement. It could

be spread over 3-5 years and would be received by the EA via the Council.

4.2 - Public Comments

4.2.1 Shrewsbury Town Council - SUPPORTS -The Town Council supports this development. It does however seek clarification for since the narrative within the application retains the Town Council element of the building for BI Office use, the proposed plans suggest change of use to D1 Educational use.

4.2.2 Shrewsbury Civic Society - SUPPORTS - Having a University in Shrewsbury might enrich the town and are delighted that this building has a sustainable further use and no external alterations are proposed that may affect the Conservation area.

5.0 THE MAIN ISSUES

Principle of the proposed change of use
Flood Risk

6.0 OFFICER APPRAISAL

6.1.1 This application relates to change of use of the Guildhall offices to non-residential educational D1 use. The new use is proposed in association with the arrival of 'University Centre Shrewsbury' in September 2015, a division of Chester University which will be based in Shrewsbury.

6.1.2 The proposal accords with the principles of the NPPF representing sustainable development on a previously developed site in this Town Centre location. It also complies with Core Strategy Policies CS2 which identifies Shrewsbury as the primary location for the provision of services and infrastructure in addition to commercial and residential uses. CS2 also supports development which promotes, protects and enhances the vitality and viability of Shrewsbury town centre The university is expected to bring significant economic benefits to Shrewsbury and in particular the town centre economy.

6.1.3 CS8 (Facilities, Services and Infrastructure) promotes the provision and enhancement of facilities and services (including education) in appropriate locations that improves access to these facilities.

6.1.4 The site is situated close to the Town Centre and is easily reached by public transport and is in easy walking distance of the train and bus station, other buildings within the town centre that are to be used as student accommodation, and the administrative and education centre which is proposed to be located in Rowleys House. It is therefore considered that the proposed new use for this building

represents sustainable development and is acceptable in principle.

6.2 Flood risk

- 6.2.1 The site is within Flood zone 3 and as the proposed change of use is from a less vulnerable use to a more vulnerable use a site specific FRA is required to be submitted. This has been requested but at the time of writing a FRA has not been received and the EA have been unable to submit their final comments.
- 6.2.2 The EA have provided advice to the applicant regarding what is required to be included in the FRA including finished floor levels and how this relates to flood risk (i.e. the car parking will remain on the lower ground floor with highest risk of flooding), information to demonstrate safe means of pedestrian access and a Flood Evacuation Management Plan (FEMP) for both a dry and wet evacuation in the event that flood defences were breached or not deployed.
- 6.2.3 The EA have confirmed that in the absence of safe pedestrian access they would however not be minded to object to the proposed development as whilst the use is 'More Vulnerable' it does not include overnight accommodation and the users of the site are unlikely to include children, the elderly and the infirm and it is considered to be at the lower end of that classification.
- 6.2.4 The EA have also requested that a sum of £32,000 is secured by a S106 agreement (£27,000 contribution to take into account the benefit to the proposed use of deploying the demountable defences over the lifetime of the development and £5,000 towards maintaining and operating the EA flood warning service). A similar agreement was agreed with two recent adjacent proposals at the Stew, and Frankwell Quay Warehouse and is in accordance with the Council's Developer Contributions Supplementary Planning Document (SPD).
- 6.2.5 It is considered that subject to receipt of a satisfactory FRA to include a FEMP the future occupiers of the building would not be at risk from a flood event. Officers recommend that members resolve to grant planning permission and give officers delegated authority to issue the planning permission subject to receipt of a FRA, confirmation from the EA that they do not object and a S106 agreement to secure the required financial contribution to the EA.

6.3 Other Matters

- 6.3.1 **Parking** - The proposal includes no parking provision other than the existing car park on the lower ground floor. The majority of students are unlikely to own cars

and staff can either use public transport or pay for parking adjacent to the Guildhall.

- 6.2.2 **Impact on the building and Conservation Area** – The proposal includes no external or internal alterations so the character and appearance of the building and its setting within the Conservation Area will be preserved.

7.0 **CONCLUSION**

It is considered that the proposed use of the Guildhall for non residential education use is acceptable in principle in this sustainable location within Shrewsbury Town Centre and future occupiers would not be at risk from a flood event subject to the receipt of a satisfactory FRA to include a FEMP. The proposal includes no alterations to the building and would therefore have no adverse impact on the appearance of the building or local amenity. The proposal therefore accords with the NPPF and Shropshire LDF policies CS2 and CS8.

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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies:

CS2 : Shrewsbury – Development Strategy

CS8 : Facilities, Services and Infrastructure

RELEVANT PLANNING HISTORY:

SA/02/0355/F Erection of a 4 storey office block, car parking and new access road to car park following demolition of buildings on site, except for the Holland and Broadbridge building PERCON 10th July 2002

11. Additional Information

[View details online:](#)

List of Background Papers: File 15/00160/COU
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Anne Chebsey
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

This page is intentionally left blank



Committee and date

Central Planning Committee

12 March 2015

Development Management Report

Development Management Report to seek Delegated Authority to Planning Officers to continue to determine the applications previously presented to Central Planning Committee for housing schemes of 10 or less dwellings in light of the Ministerial Statement of 28th November 2014 and the decision of Cabinet dated 21st January 2015

Responsible Officer: Ian Kilby

email: ian.kilby@shropshire.gov.uk Tel: 01743 258718 Fax: 01743 252619

Summary

This report seeks Members support for a delegation to officers to review and determine those planning applications which 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 Ministerial Statement of the Minister for State, Department for Communities and Local Government on 28th November 2014 and the decision of Cabinet dated 21st January 2015.

Recommendation:-

To delegate authority to planning officers to review and determine any outstanding planning applications previously considered by Committee, with a resolution for approval, but which require reconsideration in light of the Ministerial Statement of 28th November 2014 and the Cabinet decision of 21st January 2015 provided that any applications, where the balance of considerations would result in a different decision to that taken by Committee, will be referred back to Committee for reconsideration.

1.0 BACKGROUND

1.1 In a Written Ministerial Statement on 28th November 2014, Brandon Lewis MP, Minister for Housing and Planning, announced that the Government was making a number of changes to the national Planning Practice Guidance (PPG) with regard to Section 106 planning obligations. These included the introduction of a threshold beneath which affordable housing contributions should not be sought.

1.2 The Ministerial statement confirms that:

- a) For sites of 10 units or less and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.
- b) In designated rural areas (under Section 157 of the Housing Act 1985), authorities may choose to implement a lower threshold of five units or less, beneath which affordable housing and tariff style contributions should not be sought.

- c) Affordable housing and tariff style contributions should not be sought in relation to residential annexes and extensions.
- d) A financial credit, equivalent to the existing gross floor space of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes.

2.0 OFFICER APPRAISAL

- 2.1 The Ministerial statement has been met with much concern from Local Authorities, particularly rural authorities and other respected national organisations representing rural communities and rural housing.
- 2.2 Shropshire Council was particularly concerned by proposals a), b) and d) and through the consultation process in April 2014, put forward a comprehensive evidence response on how these changes would fundamentally affect the Council's ability to deliver much needed rural affordable housing directly on site or indirectly through financial support for Registered Providers (RP's) and as a consequence it would undermine its housing and community sustainability aspirations enshrined within its adopted Core Strategy
- 2.3 Following the Ministerial Statement and update to the National Planning Practice Guidance, Cabinet considered a report on 21st January 2015 outlining the consequences of applying the Ministerial Statement of 28th November and the implications for the Council's current Type and Affordability of Housing SPD which sets out the Council's policy on the provision of affordable housing on open market developments in Shropshire
- 2.4 The following decision was made:-
 - (a) That the Council lobbies the Minister to review his statement to take account of differing conditions nationally and locally.
 - (b) That the Council notes the Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application.
 - (c) That the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites."
- 2.5 Further to the Cabinet decision of 21st January officers have been updating delegated reports to reflect the current position in light of recommendations (b) and (c) set out in paragraph 2.4 above. This report seeks to provide the same process for those applications considered by Planning Committee. A number of applications were held back pending the Cabinet decision on the ministerial statement and the most expedient way of progressing these now would be to delegate responsibility to officers and to refer back to committee only those applications where the balance of considerations has changed in some way i.e. the applicant is not prepared to pay the affordable housing contribution.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

These planning applications were referred to committee for consideration 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 without a resolution to that effect.

4.0. BACKGROUND PAPERS

Original reports to planning committee, decisions and minutes
Ministerial Statement of 28th November 2015 of Brandon Lewis, Minister for Housing and Planning
Planning Practice Guidance
Minutes of Cabinet 21 January 2015
.

This page is intentionally left blank



Committee and date

Central Planning Committee

12 March 2015

Development Management Report

LPA reference	14/02122/REF
Appeal against	Appeal Against Refusal
Appellant	Mr D Crow
Proposal	Erection of an agricultural storage shed.
Location	Land At Strawberry Fields Farm, Dorrington, Church Stretton, Shropshire.
Date of application	03.01.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.04.2014
Date of appeal	16.05.2014
Appeal method	Written Representations
Date site visit	20.01.2015
Date of appeal decision	12.02.2015
Determination time (weeks)	
Appeal decision	APPEAL ALLOWED – COSTS DISMISSED
Details	

LPA reference	14/01992/OUT
Appeal against	Appeal Against Refusal
Appellant	Ms Lisa Bateman
Proposal	Outline application for the erection of 4 no. bungalows (all matters reserved).
Location	Land At The Gorstings, Bings Heath, Shrewsbury.
Date of application	01.05.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	18.07.2014
Date of appeal	31.10.2014
Appeal method	Written Representations
Date site visit	06.01.2015
Date of appeal decision	04.02.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

This page is intentionally left blank

Appeal Decision

Site visit made on 20 January 2015

by Karen L Ridge LLB (Hons) MTPL

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

Decision date: 12 February 2015

Appeal Ref: APP/L3245/A/14/2218959

Land at Strawberry Fields Farm, Dorrington, Church Stretton, Shropshire

- 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 D Crow against the decision of Shropshire Council.
 - The application Ref. 14/00022/FUL, dated 2 January 2014 was refused by notice dated 14 April 2014.
 - The development proposed is the erection of an agricultural storage shed.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural storage shed on land at Strawberry Fields Farm, Dorrington, Church Stretton, Shropshire, pursuant to planning application Ref. 14/00022/FUL, dated 2 January 2014 and subject to the following conditions:
 - (1) The development hereby permitted shall be commenced before the expiration of three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the plan numbered SA14309/01 dated November 2013.
 - (3) Prior to commencement of development details of the colour of the external materials of the agricultural storage shed hereby permitted shall be approved in writing by the local planning authority. Development shall be carried out in accordance with the materials shown on the approved plan and the colours approved by the local planning authority.
 - (4) The building hereby permitted shall be used solely for the purposes of agriculture as defined by section 336 of The Town and Country Planning Act 1990 (as amended).

Procedural matters

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main issue

3. The main issue is the effect of the agricultural shed on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a square shaped parcel of land contained within a larger agricultural land holding. The appellant confirms that the site is located within an area identified as Estate Farmlands, characterised by gently rolling lowland and valley floor landscapes, with ordered field patterns in a managed agricultural landscape.
5. The proposed storage shed would be sited a short distance south of an existing agricultural shed which was granted planning permission in 2012 and serves the same agricultural enterprise. The larger holding sits adjacent to the main road and an existing access track winds its way from the road up to an area of hard-standing surrounding the existing building. An earth bund some 2 metres high runs along the road frontage to the larger site, wrapping around to the south of the appeal site. There is some young planting on top of the bund to assist with screening.
6. The Council's delegated report notes that the existing area of hardstanding is much larger than that which was previously approved. It further states that the earth bund was not shown on the plans.
7. At the time that permission was given for the existing shed the farm comprised 73 acres. The appellant confirms that this holding has now increased to some 93 acres and there is a need for a second shed to store farm equipment and machinery. A second shed would allow the machinery to be stored separately from the hay bales and would thus reduce the risk of fire from sparks from machinery igniting hay bales.
8. The Core Strategy was adopted in 2011. CS policies CS5 and CS6 seek, amongst other things, to protect the countryside and ensure that development is appropriate in scale and design. Policy CS13 is supportive of rural enterprise and CS17 seeks to protect and enhance the local character of the natural environment. The National Planning Policy Framework (the Framework) advises that policies should seek to support economic growth in rural areas and to promote the development and diversification of agricultural businesses.
9. Whilst the new shed would have the same footprint as the existing shed, it would have a ridge height of around 8 metres which is some 4 metres less than the existing shed. It would be made of profile sheet cladding with a fibre cement roof and two roller shutter doors. Whilst it would have a utilitarian appearance, it would not be dissimilar to other modern agricultural sheds. The current shed is dark green in colour which assists in assimilating it into this landscape. The colour of the proposed shed could similarly be controlled by condition.
10. With the earth bunds in place the upper parts of the building would remain visible from the A49 road, especially from the southern approach. Without the earth bunds there would be clear views of the new building, together with the existing shed. However, in these views the smaller building would be seen in the foreground with the larger shed behind. From the northern approach both buildings would become visible on leaving the built up area of Dorrington for a short stretch of the A49. To the east of the appeal site is a small body of water with a wooded area and railway line further east which serve to limit longer distance views into the site.

11. Views of the new shed would be fairly localised, predominantly from a small stretch of the A49 passing the site. Even then the shed would be seen as part of a larger agricultural operation. Whilst a second large shed would intensify the built development associated with the farm, but taken together I conclude that the two sheds side by side would not appear incongruous in this managed landscape. As such I conclude that the proposal would not be unduly harmful to the character and appearance of the wider landscape.
12. The Council contend that there is insufficient justification for the building as required by policy CS5. However, to the extent that this policy requires justification for the new shed, this is inconsistent with national policy in the Framework which is more recent. I shall therefore place more weight upon the later national guidance. In any event the appellant has set out the reasons for requiring two separate storage sheds in connection with the growing farm enterprise.
13. For all of the above reasons I conclude that the proposal is in conformity with the local plan and national policies outlined above. The appeal shall be allowed.

Conditions

14. The Council has suggested conditions in the event that I am minded to allow the appeal. In the interests of good planning I shall impose the usual conditions regarding the time limit for commencement of development and requiring that development be carried out in accordance with the submitted plans. The third suggested condition related to the colour and finish of the external materials. I could find no reference to a suggested colour and have therefore amended the condition to ensure that the Council approves the colour of the external materials of the building. Given the purposes for which the shed is sought, it is necessary to limit its use to an agricultural purpose.

Karen L Ridge

INSPECTOR

This page is intentionally left blank



Costs Decision

Site visit made on 20 January 2015

by Karen L Ridge LLB (Hons) MTPL

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

Decision date: 12 February 2015

Costs application in relation to Appeal Ref: APP/L3245/A/14/2218959 Land at Strawberry Fields Farm, Dorrington, Church Stretton, Shropshire

- 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 Mr D Crow for a full award of costs against Shropshire Council.
 - The appeal was in connection with the Council's refusal of planning permission for the erection of an agricultural storage shed.
-

Decision

1. The application for a full award of costs is dismissed.

Preliminary Matters

2. The application for an award of costs was made in writing and is dated 16 May 2014. The Council's response to the application was made in writing and is dated 2 June 2014. The appellant's final comments were in writing dated 5 June 2014.

Reasons

3. The National Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The Guidance sets out types of behaviour which may result in an award of costs against a local planning authority. This includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations.
5. The application for costs is predicated on the principle that like proposals should be determined in a like manner to ensure consistency. Planning permission had already been obtained for a shed of a similar footprint but larger scale. However, the proposal for a second shed sited in close proximity to the first shed must be considered having regard to the cumulative landscape impact of two large agricultural sheds positioned close together. Just because one shed was considered acceptable in landscape terms did not necessarily mean that a second shed in close proximity to the first would be equally acceptable.

6. I conclude that it was within the bounds of reasonableness for the Council to come to the view that a second shed would be harmful to landscape character. The Council was not bound by its previous decision and there can be no suggestion of inconsistency in this instance. Having regard to the evidence I am further satisfied that the Council has set out its conclusions and supported those conclusions with reasonable evidence.
7. The appellant further contends that the Council behaved unreasonably in requiring justification or the need for the storage shed to be demonstrated. I accept the Council's interpretation of its own policy requirements. However I found that the local plan policy is at variance with the more recent national guidance which is to be preferred in this instance. The assessment against CS policy 5 was a matter of planning judgment and the conclusion was one which fell within the reasonable range.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance has not been demonstrated.

Karen L Ridge

INSPECTOR



Appeal Decision

Site visit made on 6 January 2015

by David Fitzsimon MRTPI

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

Decision date: 4 February 2015

Appeal Ref: APP/L3245/A/14/2228146

The Gorstings, Bings Heath, Shrewsbury, Shropshire SY4 4BZ

- 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 Ms Lisa Bateman against the decision of Shropshire Council.
 - The application Ref 14/01992/OUT, dated 2 April 2014, was refused by notice dated 18 July 2014.
 - The development proposed is 4 no. bungalows.
-

Procedural Matter

1. The application was made in outline with all matters reserved for subsequent consideration.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are whether the proposal amounts to a sustainable form of development with particular regard to its location, along with its effect on the character and appearance of the local area.

Reasons

Sustainability with regards to location

4. The appeal site comprises a small field which sits adjacent to but beyond the small hamlet of Bings Heath and within the open countryside for development plan purposes. Bings Heath has no services other than a hairdresser. A bus service operating between Market Drayton and Shrewsbury stops about a five minute walk from the site, but the walk is along unlit narrow lanes which are not pedestrian friendly and I understand that it is a limited hourly service.
 5. According to the appellant's figures, the appeal site is about 1.6km from Astley, which has some limited facilities, around 2km from the County Town of Shrewsbury and 2.5km or thereabouts from the 'Community Hub' of Shawbury. With these distances in mind, combined with the limited bus service, I find it highly likely that residents of Bings Heath broadly rely on private motor vehicles to access supermarkets, services, schools and employment.
-

6. In light of the above, I conclude that the appeal site does not amount to a sustainable location, as it is highly likely that future occupiers of the proposed dwellings would be reliant on private motor vehicles to go about their daily business. As such, the proposal conflicts with one of the key principles of the National Planning Policy Framework (NPPF).

Character and appearance

7. The cul-de-sac of bungalows which sits directly opposite the appeal site broadly marks the southern boundary of residential development within Bings Heath. The appeal site amounts to the start of the countryside beyond which has an open, rural and largely undeveloped character. Whilst the design and siting of the four bungalows proposed is not before me, the introduction of such development could only radically alter the open and undeveloped character of the land and the effect would be urbanising. This would harm local distinctiveness, contrary to policies CS5, CS6 and CS17 of the adopted Shropshire Core Strategy.

Other considerations

8. In reaching my decision, I have considered the additional concerns raised by third parties. I am satisfied that the site could be adequately served by the adjacent highway and there is no technical evidence before me to suggest that any drainage issues could not be adequately resolved.
9. There is dispute between the parties as to whether the Council is able to demonstrate a five year supply of deliverable housing sites, as required by the NPPF. I note the Council has provided an extensive statement and evidence to support its position. Even if there was a recognised shortfall, the four dwellings proposed would have a negligible impact on it. Further, as I have found that the location of the appeal site is not sustainable, the question of whether or not the development plan policies referred to by the Council in its refusal Notice are 'up to date' is largely inconsequential.
10. The proposed development would make an economic contribution during the construction phase, and future occupiers might use services in Shawbury and Shrewsbury. These benefits would, however, be quite limited.
11. I appreciate that the proposal would increase the supply of bungalows and that the dwellings would incorporate energy efficient and renewable technology. I also note that charging points for electric cars would be installed, but there can be no guarantee that occupiers would have access to such vehicles. In any event, these positive aspects of the scheme do not outweigh its failings.

Overall Conclusions

12. The proposed development would not represent a sustainable form of development both in terms of its location and also its detrimental effect on the open and rural character of its setting. The arguments advanced by the appellant in support of the scheme do not outweigh its significant failings and therefore the appeal does not succeed.

David Fitzsimon INSPECTOR