



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

Date: Wednesday, 30 September 2015

**Committee:  
Central Planning Committee**

**Date: Thursday, 8 October 2015**

**Time: 2.00 pm**

**Venue: Shrewsbury 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  
Roger Evans  
Pamela Moseley  
Peter Nutting  
Kevin Pardy  
David Roberts  
Jon Tandy

**Substitute Members of the Committee**

Peter Adams  
Tim Barker  
John Everall  
Miles Kenny  
Mackenzie  
Alan Mosley  
Keith Roberts

Your Committee Officer is:

**Linda Jeavons** Committee Officer

Tel: 01743 257716

Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## **1 Apologies for absence**

To receive apologies for absence.

## **2 Minutes (Pages 1 - 12)**

To confirm the Minutes of the meeting of the Central Planning Committee held on 10 September 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 Development Land West of 11 Pengrove, Shrewsbury, Shropshire (15 02219 FUL) (Pages 13 - 32)**

Erection of 2 no. dwellings with formation of vehicular access off Kingsland Road and associated landscape and open space improvements.

## **6 Land at Barker Street, Shrewsbury, Shropshire (15/03580/FUL) (Pages 33 - 54)**

Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works.

## **7 Development Land at Mousecroft Lane/Longden Road, Shrewsbury, Shropshire (15/00779/REM) - TO FOLLOW**

Approval of Reserved Matters (appearance, landscaping, layout, scale) pursuant to outline permission 13/03920/OUT for mixed residential development of 175 dwellings; construction of estate roads; formation of open space, wildlife corridor and play area.

## **8 Batchcott Hall, Batchcote, Church Stretton, Shropshire, SY6 6NP (15/03019/COU) (Pages 55 - 64)**

Change of use from ancillary residential accommodation and stabling to form two holiday let properties.

## **9 Schedule of Appeals and Appeal Decisions (Pages 65 - 96)**

## **10 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, 5 November 2015 in the Shrewsbury Room, Shirehall.

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## Committee and Date

Central Planning Committee

10 September 2015

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 10 September 2015**

**2.00 - 5.02 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

### **Present**

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Tudor Bebb, Dean Carroll, Roger Evans, Pamela Moseley, Peter Nutting, Kevin Pardy, David Roberts and Jon Tandy

### **39 Apologies for absence**

There were no apologies for absence.

### **40 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 16 July 2015 be approved as a correct record and signed by the Chairman.

### **41 Public Question Time**

There were no public questions, statements or petitions received.

### **42 Disclosable Pecuniary Interests**

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

With reference to planning application 15/03009/FUL, Councillor Dean Carroll stated that he was a member of the Student Accommodation Task and Finish Group.

With reference to planning application 14/00254/FUL, Councillor David Roberts stated that he was acquainted with the developer and declared a personal interest.

### **43 Land to the South of Hillside Drive, Shrewsbury, Shropshire (15/02212/FUL)**

The Technical Specialist Planning Officer introduced the report and with reference to the drawings displayed, drew Members' attention to the location, layout 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.

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

- This site had been identified in SAMDev for 20 homes and there had never been any deviation from this number. This site would not be suitable for 25 dwellings – 20 would be more appropriate.
- Shropshire Council now had a five year land supply;
- The increase in the number of proposed dwellings represented an increase of 20% on the SAMDev allocation;
- Would have a detrimental impact on neighbouring properties;
- Contrary to Core Strategy Policy CS6;
- Hillside Drive was narrow and even narrower when cars were parked. The additional vehicle journeys which would result from the higher figure of 25 dwellings would be excessive;
- There had been many objections and she urged refusal;
- Would result in the loss of the last field in the area and would be surrounded by the river and railway line; and
- If granted, requested an additional condition to control working hours on the site.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and held differing views. In response to comments and questions from Members, the Technical Specialist Planning Officer and Principal Planner explained that the allocation number of 20 was a guidance figure and not a maximum; the application was considered to be in keeping with other housing in the area; highways had raised no objections; scale, layout and density was considered to be appropriate; five dwellings would not have a significant impact; an additional condition to control working hours could be added to any permission; CIL monies could be used towards the provision of any play equipment; and any play areas/open space would be maintained and managed by a management company or the Town Council.

**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;
- A Section 106 Legal Agreement to secure on site affordable housing; and
- The following additional condition:

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.

**44 Former Shrewsbury Sixth Form College, The Tannery, Barker Street, Shrewsbury, Shropshire (15/03009/FUL)**

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

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 in support of the proposal, left the table, took no part in the debate and did not vote on this item.

**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
- The following additional condition:

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.

**45 42 North Street, Shrewsbury, Shropshire, SY1 2JJ (15/02310/FUL)**

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

**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
- The following additional condition:

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.

#### 46 Land North Of Top Farm, Kinton, Shrewsbury, Shropshire (13/05065/OUT)

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 in support of the application, left the table, took no part in the debate and did not vote on this item.

With reference to agenda items 8 to 19 (Minute Nos. 46 to 56), the Principal Planner explained that the planning applications had previously been considered and granted approval, subject to S106 Legal Agreements. However, because of the delay caused by both the Ministerial Statement and the number of applications requiring agreement, it had not been possible to release the decisions. Since that time the Main Modifications had been the subject of consultation. Policies not subject to modification could now be given significant weight. He reminded Members that the applications had previously been considered as being sustainable, and, prior to the adoption of SAMDev, it was considered that those schemes which would significantly boost housing supply should still be considered as being acceptable. Even upon adoption it would not be sufficient to refuse a scheme simply because it would be contrary to policy or policies because, as a matter of law, weight must now be given to the presumption in favour of sustainable development and a balancing exercise must be undertaken weighing sustainable development against emerging policy.

The Principal Planner introduced the application and with reference to the drawings displayed, drew Members' attention to the location.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions, the Planning Officers explained that more weight could now be afforded to SAMDev; the Parish Council had been notified that this application would be considered and determined at this meeting and had been given one week's notice in line with statutory requirements; and provided clarification on the number of houses that had been approved in Kinton.

#### **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;
- A Section 106 Legal Agreement to secure the relevant affordable housing contribution at the Reserved Matters stage; and
- The following additional condition:

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.



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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Jon Tandy, as local Ward Councillor, left the table, took no part in the debate and did not vote on this item.

The Principal Planner introduced the application and with reference to the drawings displayed, drew Members' attention to the location.

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

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, left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- The original permission for this site was granted reluctantly at a time of total disarray;
- This application was an important test of the principle of the continued integrity of the long established green boundary separating Bayston Hill from Shrewsbury;
- The site had unsuccessfully been put forward for inclusion in the Local Plan;
- Following the latest SAMDev examination the current Inspector had again not mooted any modifications to the existing village development plans;
- Concerned about the proposed, and already commenced, short, steep site access point out onto the narrow downhill section of Pulley Lane. This route was already over used on a daily basis by a majority of the existing 2000 plus households;
- The absence of any footway/pavement alongside the site compounded the problems of the sole access/egress point; and
- Would be contrary to SAMDev policy S16.2ii.

Mr C Hitchcock, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr H Thorne, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and expressed differing views. Some Members commented that this was a brownfield site, highways had raised no objections, and the proposal would provide a mix of dwellings. Other Members commented that the area was already over-developed and expressed concerns with regard to highway safety. In response to comments, the Principal Planner explained that any decision would be an "on-balance" decision and drew Members' attention to paragraph 2.4 of the report; and Counsel's opinion had indicated that anything under a seven year land supply would be challengeable.

**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;
- A Section 106 Legal Agreement to secure the relevant on-site affordable housing provision (two shared ownership dwellings); and
- The following additional condition:

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.

**48 The Fox Inn, Ryton Shrewsbury, Shropshire (14/00701/FUL)**

**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 Legal Agreement to secure one on-site affordable dwelling.

**49 Development Land North Of A458, Ford, Shrewsbury, Shropshire (14/01819/OUT)**

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

- The position with regard to SAMDev had now changed;
- The Parish Council had not had sufficient time to call a meeting to reconsider this application;
- Ford had been designated as countryside;
- Planning applications had only been granted because of the lack of a five year land supply;
- The Parish Council had undertaken a Housing Needs Survey and had requested that the area be designated as open countryside; and
- The working/construction hours should be conditioned.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Some Members expressed concern regarding the access and highway safety but noted that any highway improvements would be secured by a legal agreement and the application had been assessed by the Highways Agency.

**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;
- A Section 106 Legal Agreement to secure the relevant affordable housing contribution at the Reserved Matters stage; and
- The following additional condition:

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.

**50 Land East Of Bicton Lane, Bicton, Shrewsbury, Shropshire (14/02239/OUT)**

The Technical Specialist Planning Officer introduced the report and with reference to the drawings displayed, drew Members' attention to the location.

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

Mr T Saul, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Claire Wild spoke on behalf of Councillor John Everall the local Ward Councillor. She made a statement, left the table, took no part in the debate and did not vote on this item. During her statement the following points were made:

- Shropshire Council now had a five year land supply;
- The area had been designated as open countryside;
- The proposal would be contrary to policies as set out in the report; and
- SAMDev could now be afforded more weight and urged refusal.

Mrs H Howie, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority of Members supported refusal. In response to comments, the Principal Planner and Solicitor reiterated that even upon the adoption of SAMDev a proposal not included within SAMDev could still be supported and it would not be sufficient to refuse a scheme simply because it would be contrary to policy or policies.

**RESOLVED:**

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

- Development of the proposed site would be contrary to the local Development Plan policies for the location of housing in both adopted and emerging policy (including SAMDev policy Policy S16.2(vi)). It is now considered that emerging policy not subject to modification is given significant weight and that there are no other material considerations that would outweigh the conflict with the Development Plan policies or tip the balance in favour of supporting this proposal; and
- The site is considered to be situated in open countryside and as the proposal does not fall within any of the exceptions set out in CS5 or any of the special circumstances set out within the NPPF the scheme would result in new housing in the countryside that would be in conflict with Policy CS5 of the Core Strategy and the NPPF.

(At this juncture, the meeting adjourned at 4.26 pm and reconvened at 4.38 pm.)

(Councillors David Roberts and Tudor Bebb did not return to the meeting.)

(Councillor Roger Evans rejoined the meeting at Minute No. 56.)

**51 Proposed Development Land NW Of Montford Bridge, Shrewsbury, Shropshire (14/02964/OUT)**

Mr I Hutchinson, representing Montford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior 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 as set out in Appendix 1 to the report; and
- A Section 106 Legal Agreement to secure the relevant affordable housing provision according to the rate at submission of a Reserved Matters application.

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

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

**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 Legal Agreement to secure the relevant affordable housing contribution at the time of the Reserved Matters application.

**53 Land West Of Mulberry House, Great Ryton, Shrewsbury, Shropshire (14/03338/OUT)**

**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 Legal Agreement to secure the relevant affordable housing contribution at the time of the Reserved Matters application.

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

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

**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 Legal Agreement to secure the relevant affordable housing contribution at the time of the Reserved Matters application.

**55 Land Off Horsebridge Road, Minsterley, Shrewsbury, Shropshire (14/03670/OUT)**

Mr D Leeson, representing Minsterley Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

(At this juncture, Councillor Roger Evans returned to the meeting and abstained from voting on this application.)

Ms Emma Kay, representing Bayston Hill Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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 as set out in Appendix 1 to the report;
- A Section 106 Legal Agreement to secure the relevant affordable housing contribution at the time of the Reserved Matters application; and
- The following additional conditions:
  1. 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.

2. That the number of dwellings on this site be limited to no more than 15 dwellings.

**56 Proposed Development Land West Of 12 Little Minsterley, Minsterley, Shrewsbury, Shropshire (14/00808/FUL)**

The Principal Planner introduced the application and with reference to the drawings displayed, drew Members' attention to the location.

Mr D Leeson, representing Minsterley Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Ms C Jennings, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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 as set out in Appendix 1 to the report; and
- A Section 106 Legal Agreement to secure the relevant affordable housing contribution at the time of the Reserved Matters application.

**57 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 10 September be noted.

**58 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 8 October 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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Committee and date

Central Planning Committee

8 October 2015

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 15/02219/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of 2 no. dwellings with formation of vehicular access off Kingsland Road and associated landscape and open space improvements		
<b>Site Address:</b> Development Land West Of 11 Pengrove Shrewsbury Shropshire		
<b>Applicant:</b> Mr P. Hargreave And Mr C. Thomas		
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349101 - 311940



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and completion of a S106 Agreement to secure an appropriate affordable housing contribution.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1** This application relates to the erection of two large contemporary executive style dwellings on an area of overgrown land adjacent to the River Severn within Shrewsbury. The proposal is an amendment to a previous planning permission granted on appeal for a similar development on the site. The two dwellings would be arranged across the long axis of the site to take advantage of the riverside views and would have stepped elevations following the gradient of the site. Overall height would be three storeys fronting the River Severn. Due to the site topography, the dwelling houses would appear as single storey from the roadside.
- 1.2** House 1 is located on the western side of the site and is to be set back from Kingsland Road within the central part of the site. It will have a separate access onto Kingsland Road located in the south-western corner that turns sharply through 90 degrees to serve a ramped driveway that runs parallel to the road before turning sharply again into a courtyard parking area in front of the house. This will be set at a lower level than Kingsland Road. The dwelling is 'L-shaped' to include a single storey flat-roofed triple garage arranged at right angles to the road.
- 1.3** House 2 is located on the eastern side of the plot and is set slightly forward of House 1. The access arrangements are very similar and the general layout reflects that of its neighbour. Both properties include an indoor swimming pool on the lower level and both plots will be subject to comprehensive hard and soft landscaping.
- 1.3** The proposed dwellings will be constructed from dressed sandstone, smooth faced render and copper cladding to the elevations with aluminium framed fenestration. Roofs will be flat and formed in part from sedum green roofing system with aluminium flashing and eaves.
- 1.4** The existing boundary trees will be retained and the site comprehensively landscaped as part of the development proposals. The existing footpath alongside the River Severn will also be retained.

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

- 2.1** The proposed site comprises an area of 0.6 hectares and is located adjacent to a terrace of mid to late 1970's style three storey dwellings known as Pengrove. The adjacent dwellings are located along the eastern boundary with a turning head, whilst the land to the south of the site slopes up steeply to a mature hedge and tree boundary with Kingsland Road. Several properties on the opposite side of this road face towards this boundary and have distant views of the River Severn and the Quarry. The land to the west of the site forms part of the Burr's Field and is a grassed public recreational area with a public foot path running through the site adjacent to the river bank.

**2.2** The site occupies a series of terraced levels on the outer bank of a bend in the river. The site is open and largely cleared of vegetation except on its tree-lined boundaries. The public footpath runs along the northern edge of the site close to the river's edge. This part of the site contains a row of substantial trees that provide an effective screen when viewing the site from across the river to the north. The surrounding area is predominantly residential in character.

**3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

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

**4.0 Community Representations**

**4.1 Consultee Comments**

#### **4.2 Shropshire Council, Highways Development Control –**

Whilst the principle of the access points is considered acceptable, the layout of the access opening and subsequent alignment of the access drive into the site is somewhat convoluted. Clearly however this is a function of the adverse land level differences. Nevertheless the highway authority consider that a highway objection would be difficult to substantiate although notes the concerns raised by 3<sup>rd</sup> parties. There is scope however to improve the visibility splays to 2.4 x 43 metres and would recommend also that the entry gates are set back a further 2 metres from their current position.

The highway authority recognises that this is a difficult site to development and therefore any planning condition granted would need to include a Construction Management Plan/Method Statement.

The highway authority raises no objection to the granting of consent subject to the following conditions being imposed:-

- Prior to the commencement of development full construction details of the accesses, internal access driveways, parking and turning areas, positioning of entry gates and visibility splays of 2.4 x 43 metres shall be submitted to and approved in writing by the Local Planning Authority; the details shall be implemented fully in accordance with the approved scheme prior to the development hereby permitted being first occupied.
- Prior to the commencement of development a Construction Management Plan/Method Statement (CMP/MS) shall be submitted to and approved in writing by the Local Planning Authority; the CMP/MS shall be implemented fully in accordance with the approved details for the duration of the construction period of the development.

#### **4.3 Shropshire Council, Trees and Landscape Officer –**

There are a number of significant trees present on or adjacent to the boundaries of this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term.

I have reviewed the submitted Tree Report and note that this is the one prepared for the original scheme and it has not been updated. However, there does not appear to be very much difference in terms of the arboricultural impact between this and the original scheme except one additional tree will be lost. As such, I don't have any objections to the proposed scheme providing the tree protection plan is updated to reflect the changes in site layout and is implemented as a condition of planning permission. I would recommend conditions are attached to protect retained trees and hedges, submission of a Tree Protection Plan and Arboricultural Method Statement and all services shall be routed outside the Root Protection Areas.

**4.4 Shropshire Council, Housing Enabling Officer –**

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

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed. The applicant is in the process of addressing this matter and members will be updated at the committee meeting.

**4.5 Shropshire Council, Planning Ecologist –**

No comments received.

**4.6 Shropshire Council, Drainage Engineer –**

No comments received.

**4.7 Shropshire Council, Rights of Way –**

Public Footpath 25, Shrewsbury abuts the northern boundary of the site where it runs along the river bank, as correctly acknowledged on the Block Plan. The footpath will not be directly affected by the proposals. However, please ensure that the applicant adheres to the criteria stated below:

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

**4.8 Shropshire Council, Historic Environment Team –**

No comments received.

**4.9 Shropshire Council Archaeology -**

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

**4.10 Shropshire Council, Public Protection (Contaminated Land Officer) –**

As a result of historical lead works in the direct vicinity there is likelihood of contamination to the land proposed for residential end use. As a result I propose the following condition should this application be granted approval:

Contaminated land

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.

**4.11 Environment Agency –**

For completeness, we previously commented on a similar application to that detailed above, planning reference 13/02527/FUL (our letter ref. SV/2013/107150/01-L01, dated 18 July 2013).

Based on the information submitted, we do not object to the proposed development. We note the Flood Risk Assessment (FRA) (prepared by D.A. Sluce & Partners, dated May 2013, Ref. DAS/JS A 5108) submitted as part of the current application is the same as previously submitted. To assist your consideration at this time, we would re-iterate our previous comments as follows:

**Flood Risk:**

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Proposed Site Location Plan) is partially located within Flood Zone 3 of the River Severn, which is classified as 'Main River'. In accordance with Table 1: Flood Zones within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding.

The central and southern areas of the site are located within Flood Zones 1 and 2, 'low' and 'medium' probability, respectively. The FRA identifies the 100 year river flood level as 52.1m AOD and the 100 year river flood level plus climate change as 52.8m AOD at the proposed site.

Paragraph 5.7 of the FRA confirms that the lower section of the site, adjacent to the River Severn and below 52.8m AOD (100 year flood level plus climate change) is excluded from any development, except for a footpath diversion.

**Safe Access:**

The FRA has demonstrated that the development has safe pedestrian and vehicular access, above the 100 year flood level plus climate change. The primary access route to both of the dwellings is proposed off Kingsland Road.

**Finished Floor Levels:**

Paragraph 5.3 of the FRA details that Finished Flood Levels (FFLs) for the 'major' accommodation will be set at a level of 56.3m AOD. This level is adequately above the 100 year flood level plus climate change.

However, paragraph 5.4 states that the proposed FFL of the basement area is only 500mm above the 1 in 100 year plus climate change river flood level at 53.30m AOD (normal requirements are for a 600mm freeboard). On the basis that the FRA confirms that the basement will not form part of the habitable accommodation and will be tanked to protect the area during extreme flood events, we would recommend adding suitable drainage conditions should your Council be minded to approve the application.

**4.12 Shrewsbury Town Council –**

Whilst planning permission had been granted on appeal for two Eco-homes on this site, the Town Council objects to this application on the basis that these new proposals constitute an overdevelopment of the site and that the contemporary design is too obtrusive and is not in keeping with the existing neighbouring residential properties in the Conservation Area.

Members also have concerns regarding the access arrangements and visibility splays for these two large properties on to Kingsland Road opposite the junction with Luciefelde Road. This site contributes greatly to the green spaces enjoyed by

all along both sides of the river and provides immense visual amenity value to those who live, work and visit the town. This site has been the subject of a number of planning applications and appeals and it is the view of the Town Council that this application does not provide enough benefit to address those objections raised through previous applications.

#### **4.13 Campaign to Protect Rural England –**

CPRE have objected to the development of the site at Pengrove for many years. Following the successful appeal against refusal of the previous application the applicant has decided to re-apply with a modified proposal. CPRE are still strongly opposed to the development of this site for the following previously stated reasons:-

- The land in question is in a prominent location, viewed across the river from the Quarry and from upstream. Development would adversely affect the rural quality of the area in an urban setting.
- The site was originally designated as “Greenspace” on the town map and was a protected open area in the Severn River corridor, whilst planning policies change, the reason for the original designation are still completely valid: development should not be allowed.

We strongly recommend that the application should once again be rejected.

#### **4.14 Public Comments**

14 letters have been received. The following comments have been made:

##### Objections

- Interests of the developer should not be allowed to override those of the community
- Site has been designated as a green space in the past and is valued as it preserves a delightful rural setting within the town and adds to the unique river-scape enjoyed by residents and visitors
- The development will have a serious impact on the local environment affecting wildlife and adding increased air and noise pollution. The driveways would require a number of large established trees to be removed or at best the root structure probably compromised.
- Has the site been tested for red lead contamination?
- It is in a flood plain and may affect the River Severn
- It lies within the conservation area and the local authority has a duty to preserve and enhance such areas
- It will have a disastrous impact on the character of the area appearing totally out of keeping
- New development will affect the wider area as a result of increased traffic flows
- The eco-friendly credentials of the development do not outweigh the damage caused to an unspoilt green space

Contact: Tim Rogers (01743) 258773



- It will affect a much-used public footpath along the river bank
- It will lead to increased public safety hazards. Local roads are narrow and lack adequate footpaths and are frequently blocked by parked vehicles
- Concerns about the height of the proposed boundary wall which may invite graffiti
- The two dwellings are many times larger than the average dwelling, many times larger than adjacent properties and pertaining to a life style - with the inclusion of features such as swimming pools, and exclusion of features such as pedestrian access to the adjacent footpath - which could not be described as eco friendly
- This site has a very visible location in the green river corridor and the proposed development will have a massive detrimental impact on the view from a considerable part of the town centre, as well as a negative impact on the wildlife corridor. Any development on this site would be visually obtrusive and clearly visible from the Quarry side of the river. The dwellings would be built at a significantly higher ground level than Pengrove so far more noticeable
- The design concept is to build two houses, as large as possible for the site for obvious commercial reasons but to then try and pretend that they are suitable in the landscape which they so obviously are not
- The appearance of the two houses is disappointingly banal. If development of such a prominent site is inevitable should the quality of architecture not reflect its importance?
- The Planning Committee will probably feel unable to reject these plans, given financial constraints and the previous granting of permission at Appeal. In the event of permission being granted, I respectfully request that the Council ensures that work on site is limited to 8 am to 5pm Monday to Friday, that all debris is contained within the site while work is in progress and that planting on the eastern boundary is limited in height to that of the existing hedge. Also that they impose a condition that any damage caused by vehicles connected with this development using the private Pengrove access road between the granting of permission and the closure of site access from Pengrove, should be made good by the developer
- The junction Of Luciefelde Road and Kingsland Road is already a dangerous junction because of the steep hill up which cars accelerate at speed, the awkward corner of Luciefelde (with limited vision down Kingsland because of parking) and the narrow access to Longden Road
- Parked cars on Kingsland also make it impossible for two way traffic on the hill
- The position of the vehicular access of the new properties, especially the larger one, is extremely awkward. There would be very limited vision down the hill from the drive
- Reference is made to splays so visibility is adequate for those leaving the proposed houses. Surely this means clearing a good length of the road boundary so giving a clear view of the massiveness of the houses
- It is of great concern and unsustainable to allow/encourage the large number of cars at both properties. This is unnecessary at a site so close to the town centre and increases the hard covering on the edge of the flood plain
- If this plot were allowed to be developed a precedent would be set and it

would be much more difficult to prevent the gradual loss of greenfield sites within the urban space

- To allow construction vehicles and plant to use the narrow access of Kingsland Rd and Luciefelde Road is likely to cause serious disruption to other road users as well as residents
- At times of flooding Kingsland Road becomes the major route in and out of town
- The main changes appear to be an increase in volume of the buildings which are higher with a great deal more glazing. The overall effect is to produce new buildings that bear no relationship in terms of size or style to any of the adjacent buildings in the Kingsland Conservation Area. To claim that the development is an up-grade of the Kingsland Mansion is absurd
- There is no mention of the carbon-status of the proposals, but surely these two new buildings should be designed to be Carbon Neutral
- There is mention of a doubt over the boundary with the public footpath. If this were to mean that the trees bordering the footpath were at risk of removal and the path made narrower, this would be to the serious detriment of the public amenity

#### Support Comments:

- It is good that the planning has been restricted and I hope the Council will keep a close eye on the development to ensure that it is adhered to

#### Neutral Comments:

- The residential development permitted on appeal showed the diversion of the public right of way. I note that the revised proposal for residential development provides for the retention of the existing public footpath rather than diverting the existing public right of way from its route adjacent to the river. I am writing to support the retention of the public right of way on its existing line. The diversion of the public right of way would have led to a detrimental impact on the character of the footpath and was not required either to implement the residential development or to provide a small "wildlife corridor"
- In the event of planning permission being granted planning conditions to protect the amenities of the local environment and local residents should include: hours of work; restriction on mud etc. carried on vehicles off the site; no obstruction of the public right of way; local roads to be kept in a good state of repair and kept clear of construction traffic and materials; boundary treatments; restriction on permitted development allowances; and drainage

#### **4.15 Shrewsbury Friends of the Earth –**

In the story of the Emperor's New Clothes, something has only to be stated to be assumed to be true - until a child states the obvious. In this application, we are asked to believe that the design is a contemporary interpretation of a Kingsland Villa; that it has 'exceptional design aesthetic', whatever that's supposed to mean; and that it has a strong sustainability agenda. (Design and Access Statement, p.9).

Contact: Tim Rogers (01743) 258773

Without taking a breath, the DAS then asserts (p.11) that the three tests of Sustainability in the NPPF have been met.

On the economic test, the applicant is on fairly firm ground, though we would like to know the meaning of 'and as a viable' and 'at the right time'.

The social test is more worrying - the proposal is self-evidently a pair of very expensive, security conscious houses. They are gated-in from the community as well as each other, and do not in any way benefit the social milieu.

But it is the environmental test that most obviously fails. It is asserted that the proposals are 'environmentally conscious', that the houses are 'eco-homes'. Frankly, this is nonsense. An eco-home would be sensitive to a whole range of resource issues that are almost entirely ignored here.

The 3-car, highly glazed building with heated swimming pool is going to struggle to meet Building Regulations minima, never mind the more rigorous regime which this claim would demand.

The applicant asserts that the proposals will 'contribute' to 'protecting' and 'enhancing' their environment. We cannot identify what elements of the design could perform environmental protection and enhancement, and the application does not appear to offer any.

Like many fellow objectors, we are saddened by this assault on our town. It's time for the little boy in the fable to say, 'the Emperor/building's got no clothes/ecological agenda'.

## **5.0 THE MAIN ISSUES**

### Background

- Policy & Principle of Development
- Design, Scale, Character and impact on Heritage Assets
- Loss of Open Space
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Flooding
- Affordable Housing
- Community Infrastructure Levy

## **6.0 OFFICER APPRAISAL**

Contact: Tim Rogers (01743) 258773

**6.1 Principle of development**

**6.1.1** The determination of a planning application is to be made pursuant to section 38(6) of the Town and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

**6.1.2** Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan consists of the saved policies in the Shrewsbury and Atcham Borough Local Plan and the adopted Shropshire Core Strategy. The SAMDev Plan is the second part of the Council's Development Plan delivering the strategic priorities and overall housing and employment guidelines of the Core Strategy. On adoption it will replace the 'saved' policies of the Shrewsbury and Atcham Borough Local Plan. It establishes a settlement hierarchy where new development will be focussed in the most sustainable locations with Shrewsbury at the top.

**6.1.3** The National Planning Policy Framework advises that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan policies are absent, silent or out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

**6.1.4** The previous planning application 13/02527/FUL was refused planning permission by Members of the Central Planning Committee based on concerns that the development would exert an adverse impact upon the character and appearance of the Shrewsbury Conservation Area. Specifically, Members considered that the proposed development would fail to protect, conserve or enhance the character of this part of the conservation area and the corridor of the River Severn, as it would introduce a form of development that would be inappropriate in terms of its scale, pattern and design, and which would fail to take account of the local context and character and features that contribute to the local character. The principle of development on this site did not form part of the reason for refusal and it was accepted that the site occupied a sustainable location in accordance with national and local planning policies.

**6.1.5** The subsequent appeal was allowed and the Inspector commented that the current statutory development plan does not, in principle, exclude residential development on the site. She noted that the site lies within the defined development boundary for Shrewsbury and considered it to be a sustainable location. The current situation is similar to that which existed at the time the previous application was being considered. In principle, therefore, the current proposals are acceptable.

**6.1.6** The key issue, therefore, relates to how the current proposals affect the conservation area when compared to the appeal case. This will be explored in more detail below.

## **6.2 Design, Scale, Character and impact on Heritage Assets**

**6.2.1** As mentioned above, the key issue considered at the previous appeal concerned whether or not the proposed development would preserve or enhance the character and appearance of the Shrewsbury Conservation Area. The Inspector concluded that the development would not adversely affect the conservation area. She opined that the proposed four storey building would have a pronounced horizontal emphasis that would be appropriate to the area given the height, appearance and architectural form of the neighbouring development at Pengrove.

The applicants have considered the design of the two houses further following the appeal decision and have opted to make a series of alterations that have led to the current proposals. The Design and Access Statement that accompanies the application explains the changes as follows:

- 6.2.2**
- **A reduction in visibility of vehicles from Kingsland Road** – the original access and drive was proposed to be at the same level as Kingsland Road, which would have resulted in the dominance of vehicles on the road frontage. To remedy this issue a ramped access is proposed and the dwellings set back to create some separation from the street. This results in the car parking area sitting below street level thus maintaining views across the site. The change in level and distance from the road will also provide a sound buffer from road noise for inhabitants of the proposed dwellings.
  - **Minimise verticality and reduce the scale and dominance of the dwellings** –the proposed design seeks to minimise the mass of the buildings on the landscape in contrast to the approved scheme which is dominant in its verticality. The revised proposal strives toward the merging of natural and built forms ensuring that the development is responsive to its surroundings. The topography of the site is utilised through progressively tiered floor levels that move diagonally throughout the context of the site and not vertically downwards as in the previous scheme. Careful consideration has been given to the height, widths and buffer zones between the river and the base of the dwellings.
  - **Minimise the level of adaptation of the ground through cut and fill** – this will be achieved through adapting the buildings to step downwards along the slope using a tiered approach to design.
  - **Design quality** – careful consideration of high quality materials will enhance the overall appearance of the properties. The materials specified include oxidised copper, stone, render and extensive glazing. A meandering water feature sits between the two properties within the garden of the westernmost dwelling to represent a river tributary. The proposed ashlar stone base takes design cues from landmarks throughout Shrewsbury that exhibit strength in the base of the built form. The oxidised copper façade on the highest

segment of the buildings will sit well with the tree line and also changes with the seasons responding to the surrounding environment.

- **Maximisation of views** – the proposal seeks to create views through each property by utilising large expanses of glazing on the north elevation and associated windows on the south elevation. This approach maintains the connection between building and landscape at all times and capitalises on the panoramic views along the river.

### 6.2.3

The proposed buildings are of a more compressed form than is the case with the appeal proposal. The bulk of the proposed development will be set further back from both the roadside boundary and from the riverside compared to the appeal proposal. Both dwellings retain the contemporary design philosophy of the previous scheme which the Appeal Inspector considered to be appropriate within the conservation area context. The current proposals are slightly taller than the previously approved scheme although the building footprint and the developed area are both reduced. Due to the greater degree of set back from Kingsland Road and the stepped nature of the design as it follows the natural slope of the sit towards the river bank, the impact of the slight height increase from public vantage points will be imperceptible in all likelihood. The incorporation of additional glazing will further help to reduce any perceived impact of this size increase which is likely to be largely unnoticeable in views from beyond the site boundaries. It is considered, therefore, that the amended scheme is acceptable in terms of siting, scale and design and complies with Policy CS6 and emerging Policy MD2 of the SAMDev Plan.

### 6.2.4

The site is located within the Shrewsbury Conservation Area and Members were previously very concerned that development on this site would have an adverse effect on the character and appearance of the conservation area. This case was made at appeal but the Inspector was not in agreement and granted conditional planning permission for the development. In her opinion, the proposed houses would make a “well-designed contemporary contribution to the built forms in the immediate surroundings, acknowledging that much of the immediate background to the site includes built forms of lesser architectural merit. In their scale and setting, the proposed houses would form a *modern reflection* of the Kingsland Villas within the conservation area to the west and south-west and to that extent would introduce a degree of linkage between the branches of the conservation area on either side of the site - that is, between the Brewery and its associated riverside buildings, and Kingsland.” In summary, the Inspector did not consider the siting, scale or design of the development to be inappropriate.

### 6.2.5

The changes to the approved scheme under consideration now are considered to be relatively insignificant in terms of their additional impact on the conservation area. The marginal increase in height is offset by the greater setback from Kingsland Road and the reduced footprint and stepped profile of the dwellings has further reduced the encroachment towards the river bank and the adjacent properties at Pengrove. It is considered that the proposed scheme would have no greater impact on the character and appearance of the conservation area than the appeal proposal. As such, the proposal is considered to be in accordance with Policies CS6 and CS16 of the Core Strategy and MD2 and MD13 of the SAMDev

Plan.

### **6.3 Visual impact and landscaping**

**6.3.1** The impact of the revised proposals is considered to be neutral in comparison with appeal proposals. The overall height will be slightly higher but the footprint and developed area will be noticeably less than before. The greater proportion of the two dwellings will be set further back from the road behind a boundary wall thereby reducing further the visual impact of the development. The scheme will also be subject to a comprehensive landscaping scheme to include retention of the existing boundary planting. It is considered that the amended proposal will not exert any greater impact upon the visual amenities of the area than would be the case with the appeal proposal. The proposed development is, therefore, considered to comply with Policies CS6 of the Core Strategy and MD2 of the emerging SAMDev Plan.

### **6.4 Loss of Open Space**

**6.4.1** A substantial level of objection has been received from local residents, Shrewsbury Town Council, Shrewsbury Town Centre Residents Association and Shrewsbury Civic Society all of whom consider that the development will result in the loss of an important open space and will have a significant impact on the Shrewsbury Conservation Area.

**6.4.2** Similar objections were made in respect of the appeal proposal and were considered by the Inspector. She determined that the site is “visually separate and distinct from the neighbouring open land. A belt of trees divides the appeal site from Burrs Field, which is clearly managed separately (its sign displaying the name of Shrewsbury Town Council) and has public access. The configuration of the slopes also differs between Burrs Field and the site, the latter more clearly associated with, and directly facing, the River Severn. The appeal site, though a contiguous open area, is not essential to the integrity of the valley; either as a landform or as a public open space, or as a direct setting against which buildings of the Conservation Area are visible.”

**6.4.3** The Inspector further commented that “in occupying a site which is currently open, the proposal would clearly reduce the overall extent of open space included within this part of the Conservation Area. Unlike the adjoining valley of the Rad Brook, however, this particular element of open space does not directly frame any historic or architecturally distinct part of the Conservation Area, and the character and appearance of the Conservation Area are not dependent upon the retention of the site as open space in its entirety. In conclusion, therefore, the appeal proposal would at least preserve the essential features and thus the character and appearance of this part of the Conservation Area; would in some respects ultimately enhance its character and appearance; and would meet the relevant requirements of statutory development plan policy, and of the National Planning Policy Framework.”

**6.4.4** The loss of the site as open land has been established in principle by the appeal decision and the current proposals do not alter this situation. The proposals are

therefore consistent with Policies CS6 and CS17 of the Core Strategy and MD2 and MD12 of the emerging SAMDev Plan.

## **6.5 Impact on Residential Amenity**

- 6.5.1** Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.5.2** The residential property most likely to be affected by the proposed development lies to the east at the end of the Pengrove development. The appeal proposals were considered not to give rise to any adverse impact in respect of overlooking of neighbouring properties, or loss of privacy or over-shadowing. The current proposals are a refinement of the appeal development. House 2 is located in the plot nearest to Pengrove. The amended dwelling is sited further away from Pengrove and is orientated so that it does not project beyond the rear building line of Pengrove in the manner that the appeal proposal did. The appeal scheme was considered to be acceptable in terms of its impact on local residential amenity. The amended scheme has a significantly reduced impact on the dwellings on Pengrove and is considered to be acceptable.
- 6.5.3** The impact upon properties on the opposite side of Kingsland Road is also lessened, by virtue of the increased set back. Despite the modest increase in height, the development remains single storey in its appearance from Kingsland Road and it remains at a lower level than the existing houses on the southern side of the road. The rear elevations of the proposed dwellings face north towards the River Severn and will not result in any overlooking or loss of privacy.
- 6.5.4** Concerns have been raised that the proposed development will result in the loss of view, although this is not a material planning consideration. However, the two proposed dwellings will not exceed the height of Kingsland Road and therefore any views from properties along this road towards the River Severn or Quarry will not be materially affected by the siting of the two dwellings.
- 6.5.5** Several local residents have raised concern about the impact that construction work may have upon residential amenity arising from noise and disturbance. It is possible to address this through a condition requiring the submission of a construction management plan setting out agreed construction hours and times of deliveries of material and plant to the site together with on-site provision of constructors’ compounds, car parking and storage space. Subject to this, it is considered that the proposed development would not adversely affect local residential amenity and is compliant with Policies CS6 and MD2.

## **6.6 Highways**

- 6.6.1** Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be



designed to be safe and accessible to all.

- 6.6.2** A number of concerns have been raised from local residents regarding the proposed accesses onto Kingsland Road raising highway safety issues for pedestrians, cyclists and vehicles due to the speed of traffic and restricted visibility.
- 6.6.3** The proposed development incorporates the provision of two new vehicular accesses directly along Kingsland Road and opposite Luciefelde Road, incorporating dropped kerbs and visibility splays. This will involve removal of the existing roadside hedge which will be replaced by a front sandstone boundary wall to the rear of the visibility splays with a verge in front. The entrances will allow for vehicles to pull in clear of the highway and each property will have ample parking and turning space within the domestic curtilage to accommodate the needs of future occupiers and visitors. Having regard to its central location the site is within easy access to local facilities within Coleham and the town centre and provides good access to public footpaths, cycle ways and public transport. The Highways Officer has considered the revised drawings that now demonstrate adequate visibility splays can be provided. He has confirmed that the accesses will not raise any highway safety issues that warrant a refusal of planning permission on highway safety grounds. Two highways-specific planning conditions are recommended. Subject to these, the proposals are considered to be compliant with Policies CS6 and MD2.

## **6.7 Impact on Trees**

- 6.7.1** Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Policy MD12 of the SAMDev supports this approach. In this particular development the site has a number of large mature trees located primarily around the boundaries of the site which provide a high level of amenity value for local residents and members of the public using the public footpaths, River Severn and the Quarry Park.
- 6.7.2** The trees located along the river have an important amenity value both through their nature conservation benefits and through their contribution to the local landscape and their softening effect in views to the proposed development from Victoria Avenue and the Quarry Park. The development does not encroach within the northern half of the site and there is sufficient distance between the retained trees and proposed buildings to ensure that the trees can be protected. No objection has been raised by the Council's Tree Officer subject to the attachment of conditions safeguarding the retained trees during and after construction works.
- 6.7.3** It is considered that the proposed development complies with Policies CS17 and MD12.

## **6.8 Ecology**

- 6.8.1** Policies CS17 and MD12 of the Core Strategy and SAMDev, respectively, indicate that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic

resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in section 11 'Conserving and Enhancing the Natural Environment' of the Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

**6.8.2** The proposed development site is within the Core Area of the Environmental Network for Shrewsbury which includes the River corridor and associated semi-natural habitats at this location. The River Severn Corridor is important for wildlife moving through the town, with particular value for bats, otters and birds and all of these species rely on undisturbed areas of semi-natural habitat which buffer the river corridor and minimise disturbance on species moving through the town. The development site is not a 'resting place' for any European Protected Species and is not a priority habitat type and so is not directly protected in wildlife law. The development site is of value to more common wildlife and as a buffer to the river corridor.

**6.8.3** The site is largely covered in overgrown scrub which has a low ecological value. The current scheme increases the separation distances between the new dwellings and the river bank and does not propose any alteration to the existing riverside path. In this regard, it is an improvement compared to the appeal proposal which was considered by the Council's Ecologist to be acceptable in terms of its effects upon biodiversity interests. It is considered that on balance the loss of the mainly overgrown scrub which has a low ecological value would not result in any impact on protected species. The northern (riverside) boundary trees will be retained and enhanced with additional scrub and hay meadow planting. The boundary facing Pengrove to the east will be enhanced with additional native species hedgerow and additional native species hedgerow will be planted along the Kingsland Road boundary. The western boundary facing Burr Fields involves repair of the existing boundary wall and the retention of existing trees. The current scheme is similar to that approved under the appeal and the retention of existing boundary treatments and the addition of new native species planting will enhance the ecological opportunities along this important wildlife corridor. The proposed development is, therefore, considered to be in accordance with Policies CS17 of the Core Strategy and MD2 and MD12 of the SAMDev Plan as well as the guidance contained in Section 11 of the Framework.

## **6.9 Drainage**

**6.9.1** Policy CS18 of the Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Policy MD2 of the SAMDev Plan requires new development to incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design.

**6.9.2** The application indicates that foul water drainage will be directed to the existing foul

mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Severn Trent Water previously commented and raised no objection to the development proposed under the appeal case.

Comments indicated that a foul mains sewer is located close to the site and from records this runs along Kingsland Road to the south of the site. Having regard to the distance and change in levels the proposed dwellings and access will not impact on this foul sewer.

- 6.9.3** The submitted Flood Risk Assessment (FRA) indicates that surface water will be disposed of via a sustainable drainage system which comprises of the use of green roofs, rainwater harvesting and permeable surfaces. An overflow for the rainwater harvesting system, which will also dispose of water from the site at a rate identical to a greenfield run off rate, is also proposed. No formal objection has been received from the Council Drainage Engineer who has previously indicated that the sustainable drainage system for the site should be either infiltration or attenuation. Infiltration methods are the preferred way of disposing of surface water, and should be considered in the first instance. Percolation tests and the sizing of the soakaway should be designed in accordance with BRE Digest 365. Residential developments are now required to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. No issues have been raised regarding the ground conditions being unsuitable for soakaways and therefore, as with the appeal proposals, it would be acceptable to condition the surface water drainage.

## **6.10 Flooding**

- 6.10.1** Policies CS18 of the Core Strategy and MD2 of the SAMDev Plan state that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance contained in Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the Framework. Concerns have been raised by local residents that the proposed development is located within the flood plain of the River Severn.
- 6.10.2** The Environment Agency has considered the submitted FRA and is in agreement with its analysis and conclusions. Based on the 'indicative' Flood Map for Planning (Rivers and Sea), the central and southern areas of the proposed development site are shown to lie mainly within Flood Zones 1 and 2 (Low and Medium Probability Zones) with the northern area adjacent to the river located within Flood Zone 3 (High Probability Zone) of the River Severn. Flood Zone 3 is vulnerable to 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 years or greater annual probability of river flooding. The FRA identifies the 100 year river flood level as 52.1m AOD and the 100 year river flood level plus climate change as 52.8m AOD at the proposed site.
- 6.10.3** The FRA demonstrates that the site can be developed for residential development in accordance with the guidance and principles set out in the Framework. The land adjacent to the river bank within Flood Zone 3 will be free from development and will not result in loss of flood storage capacity.
- 6.10.4** The FRA states that Finished Flood Levels (FFLs) for the 'major' accommodation

will be set at a level of 56.3m AOD, which is adequately above the 100 year flood level plus climate change. However, paragraph 5.4 states that the proposed FFL of the basement area is only 500mm above the 1 in 100 year plus climate change river flood level at 53.30m AOD (normal requirements are for a 600mm freeboard). On the basis that the FRA confirms that the basement will not form part of the habitable accommodation and will be tanked to protect the area during extreme flood events, the Agency would accept this as an exception. All habitable finished floor levels, however, shall be set at a minimum of 53.4m AOD, which is 600mm above the 1 in 100 year modelled River Severn flood level plus climate change. A suitable planning condition has been recommended by the Agency to ensure this happens.

**6.10.5** The Agency is also concerned about potential obstruction to the storage capacity of the flood plain along the northern part of the site. The FRA confirms that the portion of the site below 52.8m AOD will remain in its present form (i.e. no new structures), with no ground levels being altered below this level. A condition is recommended removing permitted development rights in respect of structures, barriers and obstructions within this area. Subject to these conditions, the proposed development is considered to be in accordance with Policies CS18 of the Core Strategy and MD2 of the SAMDev Plan.

## **6.11 Affordable Housing**

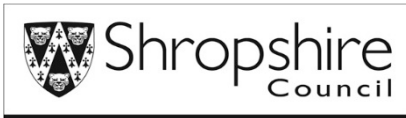
**6.11.1** Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate is 13% which equates to a financial contribution of £23,400. The applicants have agreed to provision of this contribution which will be secured through a Section 106 legal agreement.

## **6.12 Community Infrastructure Levy**

**6.12.1** Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Framework Implementation Plan. The levy rates are set out in the CIL Charging Schedule and in this particular case will relate to £40 per square metre of new residential development. The levy charge would become active when the development commenced if planning permission were to be granted and 15% would be required 60 days after commencement of the development and the remaining 85% would be required 270 days after commencement.

## **7.0 CONCLUSION**

**7.1.1** The principle of development on this site for two substantial dwelling houses of contemporary design has been established as a result of the recent appeal decision. The proposed development seeks an amendment to the scheme allowed on appeal and involves changes to the size, height, design and siting of the two



Committee and date  
 Central Planning Committee  
 8 October 2015

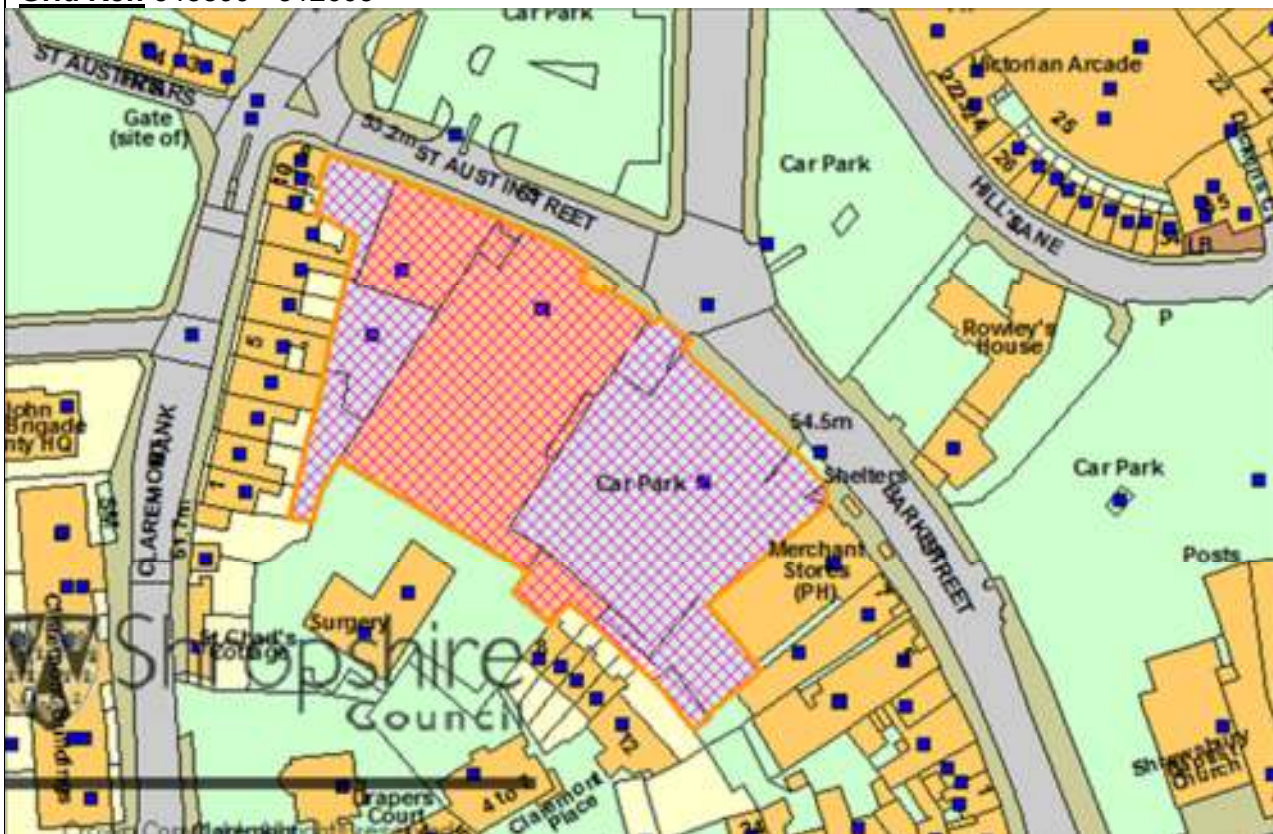
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 15/03580/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works		
<b>Site Address:</b> Land At Barker Street Shrewsbury Shropshire		
<b>Applicant:</b> Morris Guildhouse Student Partnership		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 348899 - 312605



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

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application relates to the erection of three (4-storey) blocks of student accommodation, one (3-storey) block of management and post-graduate accommodation, cycle parking and bin storage areas, landscaping and new vehicular access.

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

2.1 The site faces St Austins Street and Barkers Street within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area. It consists of a 20<sup>th</sup> Century building on the site of a former tannery previously occupied by Shrewsbury Sixth Form College that has permission to be demolished and the vacant land either side. To the West of the site is 8 Claremont Bank which is a listed building and to the East is a Public House (Vodka Source Bar) that is unlisted. To the front of the East part of the site currently used as a carpark is a row of Liquidambar trees adjacent the pavement.

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

3.1 The proposal does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it is an application on land partly owned by the Council and is not in line with statutory functions.

### **4.0 Community Representations**

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

##### **4.1.1 Historic England**

###### Summary

Historic England supports the principle of bringing this activity into the historic town centre, and does not object to the form and scale of this proposal. However some further refinement of architectural design is required.

###### Historic England Advice

This proposal affects the character of the Shrewsbury town centre conservation area, and the settings of several listed historic buildings, notably the Grade I listed Rowleys House. It is a major site at the heart of the historic town centre, and an opportunity to repair a townscape seriously damaged during the twentieth century. The planning legislation and its policy, guidance and advice documents all require that special attention should be paid to 'preserving or enhancing the character or appearance' of conservation areas (para 72.2 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Having carefully assessed the visual impact of the proposals, we are satisfied that the overall scale and disposition of the buildings and the spaces between them is appropriate, providing the street frontage is clearly defined and the street boundary between the blocks gives a strong linkage between them (although we do welcome some views through). We advise that this part of the design needs further work.

We are content with the overall decision to go for a contemporary interpretation of traditional construction, and welcome the architects' willingness to continue discussions on its refinement. We consider that the street frontages have the right balance of formality and variety, but the central block would benefit from further work on its elevational detail. Perhaps there is the opportunity here for a public art commission within the central feature? The cornice and parapet design for all the blocks appears appropriate in overall proportions, but could also benefit from further work on detail design, with perhaps consideration given to the cornice being at the bottom of the parapet, which then becomes an allusion to a classical blocking course? We are a little sceptical about the 'brise soleil' feature on the flank elevations, whilst noting the architects' expressed wish to give the buildings some informality to reflect the lives of the students within. If these features are justified, might it be better for them to appear as textile banners in bright colours, with the formality of the buildings as a foil?

#### Recommendation

We recommend that a further iteration of the design process, taking into account the points we raise above, should take place before planning permission for this project is granted. I am very willing to join with you and others in discussing these matters with the applicants and their architects.

Additional comments: On receipt of revised plans Historic England informally advised that they still have elevational design issues to raise on the latest iteration of the scheme although they have no objection to the overall scale and form of the development. They suggest it may be better for further design input from HE to be through informal advice over the discharge of conditions, rather than holding up the planning process by a formal re-notification and subsequent design changes at this stage.

#### 4.1.2 **SC Conservation**

##### Background to Recommendation:

The site is within Shrewsbury Conservation Area and is one of a number of vacant blocks in the town centre. The site was once a Tannery and is bordered by a number of listed buildings. The most significant being Rowley's House and St Chads.

The proposals have been the subject of pre application discussions with development management and historic environment over a number of weeks.

##### Principles of Scheme:

The proposals have been developed from an analysis of the historic context which

has created a rationale of three distinct blocks. Whilst this rationale was contrary to expectations it is accepted that the architect's analysis supported the layout of the three accommodation blocks. Although the defined street frontage is undeveloped the permeable layout is considered to be a positive element to the urban streetscape.

Recommendation:

In principle it is considered the proposals will enhance the character of the conservation area, however, critical aspects of the design have not reached an acceptable conclusion. These being the overall design of the street frontages of the blocks, the stair/entrance tower feature, the roof cornice and the boundary linkage. These will be conditioned.

Further conditions should include:

Materials

Brick bonding and pointing

Walling details

Window and door details

#### 4.1.3 **SC Archaeology**

Background to Recommendation

The proposed development site lies within the historic core of Shrewsbury, as defined within the Shrewsbury Urban Archaeological Database, and within Shrewsbury Deposit Zone XVI –The Claremont terraced gradient. The available evidence indicates that the site was utilised for domestic occupation from the Saxon period onwards and that frontage was fully developed by at least the 16th century, with backyards that became increasingly built-up across the course of the 17th - 19th centuries. A substantial part of the site was subsequently redeveloped as a tannery (HER PRN 06748) during the mid-19th century, which was subsequently used for warehousing in the 20th century. The frontage of the site is understood to have been extensively cellared and was redeveloped in the second half of the 20th century. However, an evaluation on the existing surface car park area in 2002 produced evidence of a truncated medieval pit, whilst an evaluation at the western end of the site in 2005 revealed Anglo-Saxon features and deposits. The applicant has commissioned a further site evaluation, which was carried out in August 2015 and provided further evidence of truncated medieval or early-post medieval pits, one of which may have been used for tanning, towards the rear of the surface car park. It also indicated that remains of the 19th century tannery survive beneath the floor of the standing former sixth form building. It also fully recorded the last standing remains of the tannery building, which now forms the west wall of the latter structure. As such, the archaeological potential of the development site is deemed to be high to very high.

Recommendation

The following advice relates specifically to the archaeological interest of the proposed development site. The applicant has commissioned both an archaeological Desk Based Assessment and a field evaluation, both by Clwyd-



Powys Archaeological Trust, the reports for which satisfy the requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the emergent SAMDev component of the Shropshire Local Plan. In view of the above, and relation to Paragraph 141 of the NPPF and Policy MD13 of the emergent SAMDev, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. We remain in discussions with the Applicant's archaeological contractors regarding the exact requirements and specification for this work but in summary it will comprise full excavation where both the archaeological potential and impact of the proposed development will be greatest, together with a watching brief elsewhere.

#### 4.1.4 **SC Highways**

From a highway aspect the highway authority have no objection to the development in land use terms and as shown on the submitted detailed drawings, which includes a new vehicular and cycle access together with carrying out improvement/widening to the footway across the site road frontage. Secure and covered cycle parking is included within the curtilage of the site. The application submission is now supported by a Travel Plan Statement (TPS) which sets out the student travel implications of the development, its relationship with the main University building and whilst there are a number of assumptions contained within the document, the highway authority is satisfied that it considers the key issues as far as it is able to at this stage.

As a town centre location, the site is highly sustainable with good access to sustainable modes of transport. The fact that the accommodation provides no student on-site parking in itself dissuades student car usage. Public car parking however is available in close proximity of the site. The TPS raises issues concerning the 'dropping off' and 'picking up' of students and this can be dealt within the TPS as it evolves and is brought into use upon the student accommodation being first brought into use. As with any Travel Plan, it is a 'living' document that evolves over time in order to address travel issues and changing patterns of travel.

An area highlighted in the TPS is the relationship between the new accommodation and the University building and in particular the footway infrastructure across the Welsh Bridge. The document acknowledges the width of footways available over the bridge and the effect/impact this can have on pedestrian movement given an increase in footfall movement across the bridge. The document however concludes that no intervention is necessary as part of this development and further consideration and assessment will need to be undertaken as and when student accommodation increases in the town. This would also be in light of student travel patterns being developed over time to better assess travel issues that arise and how they could be addressed or mitigated. The highway authority is content with this approach.

#### 4.1.5 **SC Ecology**

##### Nesting birds

Where possible, plants providing berries and nectar should be incorporated into the

planting schemes, including the green wall. Existing scrub and dense climbers provide some nesting habitat for common bird species, including house sparrow which is of conservation concern. Provision of bird nest boxes on the rear walls and/or back retaining wall should be considered and provision of a scheme for this conditioned.

#### Other impacts

The River Severn passes c.180m north of the site and is protected from pollution and other impacts under various Acts. Care will be needed over drainage from the site; in addition to current land drainage arrangements, disused drainage routes may still be in place.

#### 4.1.6 **SC Trees**

There are a number of significant trees on this site and, although fairly young, these trees are established and growing well and now reaching the point when they start to make a contribution to amenity. In the long term they have the potential to become very significant elements of the local landscape and make a substantial contribution to the urban forest resource. These trees are in a part of town where there is relatively low tree cover and where it is difficult and expensive to plant new trees.

An Arboricultural Impact Assessment has been produced for this site. The AIA recognises the importance of retaining trees in this area, but also that it would be impractical to incorporate the existing specimens into the design in their current locations. The AIA proposes to move the trees, temporarily storing them offsite and then replanting them in new location. This would be supplemented by additional planting.

The proposal would appear to offer a practical solution to the problem of retaining and enhancing maturing tree cover on the site. The AIA provides a method statement detailing the proposed operations.

No objection is raised to this application however it is recommended that any grant of planning permission be subject to a tree protection condition.

#### 4.1.7 **SC Public protection**

##### Noise and air quality

In relation to noise it is noted that windows into bedroom areas have been located so as not to overlook the street. As a result I do not have any concerns about noise carrying into bedrooms at night from road noise or night time venues with the exception of windows which will face the vodka source bar. I would advise that glazing along this facade is considered and upgraded to glass which achieves a better internal noise environment where this is possible.

With regard to air quality it is noted that greening will be introduced in many areas. This is envisaged to have a benefit to air quality in the area. It is noted that flat roofs are to be used on the student accommodation. I would recommend that

thought is given to green roof ideas in order to help trap water, insulate the building, establish habitat for wildlife and impact on air quality in the air stream passing over the roofs.

It is noted that heating and hot water to the buildings will be provided by electricity. Should any gas boilers be present I would recommend that ultra low NOx boilers are used and that they discharge at roof height to ensure no impact on local air quality.

Having considered the noise report I am satisfied that there is not likely to be a significant detrimental impact on the amenity of the area and do not expect the internal amenity of the residential premises proposed to be impacted by noise. The report goes on to state that it does not expect an impact on the area in terms of external plant and equipment. Given the fact that plant and equipment is not expected to have a significant detrimental impact and taking into consideration the fact that walls to the north facade of the plot will be greened removing a reflective surface for noise and adding an absorbing surface I do not consider it necessary to condition this element however would advise the applicant to position external plant and equipment with care and use appropriate equipment. Should a noise impact be reported in future this can be investigated and improvements sought should an issue be identified through the serving and enforcement of legal notice should this be necessary.

#### Contaminated land

I have reviewed the Ground Investigation Report for Land at St Austin's Street, Shrewsbury, ref. T/125/1642/GIR dated August 2015.

I am satisfied with the level of investigation and assessment to date in respect of potential risks to human health but the report recognises that the investigation was limited to areas of the site where access was available and therefore following demolition of the existing on-site structures further investigation is proposed (section 12.1). Accordingly, if planning permission is granted for this development it is considered appropriate to attach a contaminated land condition but obviously demolition works will need to be carried out to allow access to previously inaccessible areas.

#### 4.1.8 **SC Drainage**

The Drainage Strategy report is technically acceptable and suggests conditions regarding additional details to be submitted.

#### 4.2 **- Public Comments**

- 4.2.1 All adjoining properties have been individually notified, a site notice displayed and an advert placed in the press. In addition a one-day public consultation exhibition was held at Rowley's House prior to the submission of the application and there have also been articles published in the press. The agent has provided the following summary of the consultation responses that they received to the public exhibition prior to submission of the application:

### Public Benefits

Whilst a small percentage of visitors were concerned with the integration of students within Shrewsbury, the majority embraced the opportunities and business the scheme will introduce for both the town centre and its residents. Below are some quotes taken from the Public consultation feedback forms :

- “What Shrewsbury needs”
- “A Splendid Scheme”
- “Fantastic opportunity for Shrewsbury businesses and to be a University Town”

### Proposed Design and Layout

90 % provided positive comments on the design and layout of the scheme

6% provided comments on the use of the space

4% provided negative comments on the design and layout of the scheme

The project was welcomed and the common points have been summarised below:

- “This will greatly improve this part of our town centre architecturally”
- “Plans look great and look to blend in well with the surrounding area”
- “impressive plans and good use of space”
- “Interesting how its follows the fan lines, looking forward to having a better view than just a big roof”
- “the overall look will be vastly improved”
- “Proposed buildings provide a complimentary modern design”
- “Good look for Shrewsbury town centre, will help regenerate the ‘west end’ of Shrewsbury”

8 letters have been received in response to the planning application publicity summarised as follows:

### Design and appearance

- ② The three blocks are one storey too high and will dominate the area. Nearly all residential buildings in the town centre are three storeys high and only a few non-residential buildings are four storeys
- ② The overbearing nature of the development might be mitigated by altering the surface of the brick facades on the street simply by rustivating the ground floor which is a classic feature of brick-faced facades.
- ② The addition of the steel decoration to the sides of the blocks is an unnecessary adjunct and expense.
- ② The construction of three, four storey 'slabs' placed formally, end-on to the street bears little or no relation to the existing street scene and this arrangement, if built, will certainly have detrimental repercussions on the

surrounding area centred on Rowley's House.

- ② None of the elevations are an adequate response to the context. The overall scale of the 4 storeys is reasonable for this part of the town but the flat roof dull appearance of the buildings is completely alien in this location.
- ② If this development is allowed to proceed as submitted it will definitely blight this part of the historic town.
- ② The elevations on to Barker Street are so clearly typical of lazy 1960's designs with unfortunate proportions and should be redesigned to offer a much better response to their context.
- ② It is important to have a lively street scene with appropriate vertical proportions and materials that echo the context. The design can be contemporary but it does need to have attractive proportions and a better understanding of the scale of the neighbouring older buildings.
- ② The general massing and form of the three blocks is perhaps a sensible way of maximising development on the site, but it is essential that the buildings should make a positive contribution to the street.

### Use

- ② Identification is needed for each block, each floor and each room so that students can find which room is theirs after a night out. It could be colour-coding, it could be names and it could be fitted with electronic pads.
- ② Where are the laundry facilities and where will refuse be stored in each block.
- ② How will the buildings be kept warm in the winter or ventilated in the summer. The flat roof could be covered in solar panels to go some way to making the buildings eco-friendly.
- ② The provision of cycle storage is out of proportion given the location within the TC and Rowleys House and the Guildhall in Frankwell being within walking distance. It would be open and accessible to anyone and a grand target for thieves.

### Impact on residential amenity

- ② The proposed siting of 12 'Rubbish Bins' [albeit housed in brick construction] adjacent to the East retaining wall of properties in Claremont Bank could result in noise, smell and unhygienic consequences.
- ② Loss of privacy as a consequence of a new four storey building (Block A Side A Elevation).with a total of 36 windows of which 18 will look directly into the properties of Claremont Bank. The windows on block A could be angled to face the street.

- ❑ Noise and disturbance from the new residents originating from windows facing the office and residential properties of Claremont Bank to the West and properties to the South in Claremont Place. The windows could be obscure glazed, non-openable and have fan light ventilation.
- ❑ The proposal will also result in noise and disturbance to local residents due to the influx of over 200 'high spirited students'

#### Trees and landscaping

- ❑ The proposal advocates the loss of important trees (line of Liquidambar trees) and they have not been evaluated. The application should have an arboricultural assessment to include justification as to why it is not feasible to design this scheme to incorporate these already established trees and to allow for future growth.
- ❑ The landscape design masterplan shows 2 groups of 3 fastigate trees being planted on the roadside, but these cannot attain any significance because of the lack of space.
- ❑ The planting of a 'Semi-Mature Plane Tree' adjacent to the East facing retaining wall at rear of No's 6 and 7 Claremont Bank will result in the loss of light and the root system will undermine/damage the East retaining Walls of these properties.
- ❑ Whilst aware of the need for security within the student area the design quite deliberately seeks to divide town from gown and it is a pity that shared public areas were not integrated into the main street frontage.

#### Consultation/democratic process

- ❑ There has been limited opportunity for the public to comment on this scheme.
- ❑ Shropshire Council as sponsors of the university centre cannot be impartial in their decision.
- ❑ Morris Company will profit substantially from this scheme but the council will miss out as student accommodation is not liable to council tax.

#### 4.2.2 Shrewsbury Civic Society

The amount of time allowed for public consultation has been inadequate, given the scale of the development and the site's significance within the Conservation Area of our historic town centre.

The buildings will be part of the town's Conservation Area for years to come and their visual impact must be regarded as critical and hope that elected Members will consider the longer-term significance of the Tannery site development, given its

substantial scale and hugely sensitive location.

Whilst welcoming the university and student accommodation within the town centre has significant reservations about design aspects of the scheme summarised as follows:

- ❑ The radial siting of the accommodation blocks hardly reflects the history of past buildings and adds nothing to the present streetscape.
- ❑ The gaps between the blocks undermine the more recent history of an active street frontage.
- ❑ The requirement for an unusually high level of security has been over-interpreted to suggest a gated site. There is no attempt to provide street-facing shops or public use buildings that could provide both a buffer and a sense of integrated community.
- ❑ The flat roofs will create a horizontality that is foreign to this part of the town.
- ❑ The cornices should be plainer and smaller in depth.
- ❑ A dislike of the mock-pulleys and their canopies and the bizarre coloured panels (“brise soleils”) strung along the side elevations.
- ❑ Re-consider the front curtilage, by using a judicious mix of walls and railings, as well as “setting back” the planting for the “gaps” to engage pedestrians, rather than exclude them.

Suggests that the impact may be ameliorated by the following:

- ❑ reducing and simplifying the cornices;
- ❑ eliminating the unnecessary “mock loading bays” and steelwork;
- ❑ eliminating the brise soleil panels altogether,
- ❑ softening the central block’s central street face panel reducing its image as a cinema entry,
- ❑ keeping railings between the blocks thin and elegant
- ❑ considering the inclusion of panels/ceramics that tell some local stories, even if this includes indents between the blocks.

#### 4.2.3 Shrewsbury Town Council:

Whilst the Town Council supports this application, it is felt that any development should preserve and enhance an area within the Conservation Area. Members would like to see the brick work in the new development match that of the existing buildings in the vicinity and whilst they are happy with the flat roofs which will not block the view for residents living behind, they would support the idea of an urban garden utilising the space for the benefit of the neighbourhood.

## 5.0 THE MAIN ISSUES

Principle of development  
Impact on the character and appearance of the Conservation area and the setting of nearby listed buildings.  
Impact on residential amenity  
Archaeology  
Highways/Access  
Ecology  
Trees and landscaping  
Contaminated land

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 This application relates to the erection of buildings to provide student halls of residence which are classed as large HMOs. This is a Sui Generis use providing residential accommodation in association with the arrival of 'University Centre Shrewsbury', a division of Chester University that is expected to see a larger intake of students in September 2016.

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 identifying Shrewsbury as the primary location for residential development. 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 The site is situated within a busy part of the Town Centre where there are predominantly retail or bar/restaurant premises and is close to both the bus and train station. It will be within easy walking distance of the administrative building (Rowleys House) and the main teaching areas which are located in the Guildhall at Frankwell. It is therefore considered that the proposal represents sustainable development and is acceptable in principle.

### 6.2 Impact on the character and appearance of the Conservation area and the setting of nearby listed buildings.

6.2.1 The proposed site is situated within the Shrewsbury Conservation Area and special regard has to be given to the desirability of preserving the setting of nearby listed buildings and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.2 The proposal has been submitted following pre-application advice from both Historic England and the Council's Principal Conservation and Design officer. The proposal has been amended following receipt of comments from both statutory consultees and the public to take account of some of the issues raised. The revised drawings indicate a revised cornice design that has also been reduced in



size, omission of the Brise Soleil panels and a revised front entrance to the buildings. The central surround to the entrance to block B has been revised to stone to soften the elevation, the metal spandrels have also been reduced, with glazing in between each spandrel and the canopy has also been simplified and reduced in size. The proposed railings between the buildings have been designed to follow a minimalist approach and to help create a sense of permeability into the site; however the areas between the buildings still have to remain secure and not accessible to the public.

- 6.2.3 The rationale and justification for the proposed flat roofed four storey blocks of accommodation end on to the street is fully outlined in the submitted Design and Access statement which includes a comprehensive set of studies researched into the site and its surrounding context. These studies explain the design and thought process to how the proposal has been developed from an analysis of the historic and existing urban context. Whilst this rationale was contrary to the initial expectations of both Historic England and Conservation it is considered that the architect's analysis supports the radial layout of the three accommodation blocks and this approach has been accepted by both Historic England and Conservation. The gaps between the proposed student blocks emulate the site's historic pattern and provide permeability through the site as well as preserving site lines and views towards St Chads Church. Preliminary studies researched into roof typologies nearby and a series of design development studies for roof variations have been explored and discussed at meetings prior to submission and the flat roof option for all three buildings was the preferred option. Classical proportions throughout all of the elevations was requested and supported by Conservation and Historic England and this is reflected in the sectional heights, spacing and window proportions.
- 6.2.4 There is no objection to the scale, mass, orientation and layout of the proposed three blocks of four storey accommodation. However there is still concern from both statutory consultees and members of the public (that have commented on the proposal) that the design for the street facing elevations and the detailing and materials needs further work and is not acceptable in its current form.
- 6.2.3 The proposal also includes a pitched roof three storey building that will adjoin the listed 8 Claremont Bank. It is considered that the scale, design and appearance of this part of the proposal are appropriate and would not adversely impact on the setting of the adjacent listed building. It is considered to be an improvement on the building that has already been removed from this part of the site and that this aspect of the proposal will enhance the street scene and this part of Shrewsbury Conservation area.
- 6.2.4 It is considered that the scale, massing and layout of the proposal as a whole is acceptable and it is recommended that planning permission is granted subject to a condition excluding the street facing elevation from the permission and requiring the following details to be submitted for later approval:
- The design, materials and finishes and colour scheme for the lift core elements that project above the roofline;
  - The profile, design, materials and finish of the cornice treatments to include 1:5 scale sections – these shall be designed so as to reduce the bulk of the cornice

and apparent mass of the structure;

- The fenestration disposition, proportion and materials and finishes for all windows to include 1:5 scale elevations and sections – this shall have regard to the context of this historic town centre location and give consideration to varying the treatment to each block;
- 1:5 scale details of all lintels and cills and brickwork to include colour, bond mortar mix and joint finish;
- Details of projecting string courses and materials, finishes and design of the ground floor elements for each block to consider rustication in brick/stone or render to the ground floor.
- 1:20 details of the boundary treatment between each block to illustrate continuity to the street frontage and an integrated landscape design

The imposition of such a condition will enable the ground work to start on a proposed development that has significant time constraints.

- 6.2.5 The Conservation officer has commented that although the defined street frontage is undeveloped (and that critical aspects of the design have not reached an acceptable conclusion) the permeable radial layout is considered to be a positive element to the urban streetscape and that in principle the proposals will enhance the character of the conservation area. It is considered that the scale and form of the proposal is acceptable and that subject to satisfactory design and detailing that will be subject to later approval the proposed development would have no adverse impact on the setting of nearby listed buildings and would enhance the character and appearance of the Conservation Area.

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

#### 6.3.1 Overlooking & loss of privacy:

An overlooking study was included within the Design and Access Statement to assess the views between windows of the rear of existing properties in Claremont Bank and Claremont Place and the windows in the proposed development. A further study has also been submitted for those windows where there is a distance of less than 18 metres between windows serving habitable rooms, (18 metres is considered to be an acceptable distance for windows that directly face each other). There are only 7 existing windows serving habitable rooms where the distance is less than 18 metres from windows in the proposed development (2 in Claremont Place and 5 in Claremont bank). The distances range from 15.67m up to 17.97 m but these are all impacted by indirect views as the windows will all be at an oblique angle and not directly face each other. It is therefore considered that the proposal would not result in significant unacceptable levels of overlooking and loss of privacy.

#### 6.3.2 Noise:

Concern has been raised about noise from 'high spirited students' or noise that might be heard from open windows. A noise report has been submitted which includes an internal noise assessment and notes that internal noise will be higher when windows are open and this would also be true for noise perceived outside the

building. All student bedrooms are provided with a means of background ventilation negating the requirement for the windows to be opened and windows will be provided with opening restrictors. The buildings will be subject to a management regime that would moderate anti-social behaviour including the playing of loud music and there will be clauses included in tenancy agreements to manage student behaviour. In addition it cannot be presumed that the use of the building as a HMSO would result in noise and activity significantly different to that of any other residential use of the proposed building. The site is situated within a busy part of town centre where external ambient noise levels are already high and it is not considered that the occupation and use of the buildings by students would add significantly to the noise and activity that already exists in the area. Public Protection has confirmed that having considered the submitted noise report they are satisfied that there is not likely to be a significant detrimental impact on the amenity of the area.

### 6.3.3 Bin storage:

A supplementary report has been submitted that outlines that the bin stores have been positioned to provide the best access for the refuse collection vehicles and to minimise the disruption for both the existing residents and the student halls. The bin stores will be housed in a brick wall structure and will be managed by the management company for the buildings who will ensure that they are adequately cleaned and free from vermin. It is therefore considered that provided they are properly maintained the proposed bin stores will not result in significant noise or disturbance or unacceptable odours. Refuse will not be stored within the buildings other than within individual bins in student rooms and the kitchen areas.

## 6.4 **Archaeology**

- 6.4.1 The desk based assessment and the field evaluations report supplied by Clwyd-Powys Archaeological Trust (CPAT) satisfies the requirements of P128 of the Framework and policy MD13 of the emergent SAMDev. The Councils Archaeologist has met with (CPAT) to discuss an archaeological mitigation strategy and has agreed the broad principles for the mitigation strategy and a Written Scheme of Investigation (WSI). The recommended condition will be imposed to secure the submission of a WSI prior to commencement of below ground work.

## 6.5 **Highways/Access**

- 6.5.1 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 access to good public transport. It is also noted that students are unlikely to own cars and will be discouraged from bringing cars. There is public parking within close proximity of the site for use by visitors. A Travel Plan Statement (TPS) has been submitted that covers vehicular access during the 'dropping off' and 'picking up period' and highways have confirmed that the TPS is acceptable but that it is an evolving document and recommends a condition regarding this. The proposal includes more than adequate provision for the secure and covered storage of cycles and the other student buildings are all easily accessible on foot. It is

considered that the proposal would not result in any highway or pedestrian safety issues.

## 6.6 Ecology

- 6.6.1 An ecological survey was submitted with the application for the demolition of the Tannery which concluded that there are no bats present in the building and that the location is not attractive to foraging bats, which further decreases the likelihood of bats roosting in the building. There was no sign of any birds nesting in the building, on or in the walls, or on the roofs of the building to be demolished. A condition regarding precautionary methods of working was imposed on that permission. The planting scheme includes a green wall at the rear of the site and the provision of bird nest boxes on this retaining wall and/or on the rear walls of the accommodation blocks will provide further ecological enhancement of the site.

## 6.7 Trees and landscaping

- 6.7.1 A detailed landscaping proposal informed by an arboricultural report has been submitted. The value of the existing row of 6 trees and contribution to local amenity has been assessed and it is now proposed to remove the trees, temporarily storing them off site and then replanting them in their new location between the blocks adjacent to St Austins Street. Additional avenue tree planting is also proposed. The tree officer has no objection to the landscaping proposal and this solution to the problem of retaining and enhancing maturing tree cover on the site subject to the imposition of a tree protection and landscaping condition. In addition to tree and shrub planting the landscape proposals indicate that the retaining wall that surrounds the site will be transformed into a green wall. Other landscape features include seating areas between each block within flowerbeds which should create attractive outdoor social spaces for students. It is unfortunate that the public cannot share this space but the security and safety of students is paramount. The Plane tree originally proposed to be planted has been omitted from the proposal to address the concern of the residents in Claremont Bank. It is now considered that the landscaping masterplan is acceptable and the condition suggested in paragraph 6.2.4 above that will require details of the boundary treatment between each block to be submitted for later approval will help ensure continuity to the street frontage and an integrated landscape design.

## 6.8 Contaminated land

- 6.8.1 A Ground Investigation Report has been submitted and Public Protection is satisfied with the level of investigation and assessment in respect of potential risks to human health whilst recognising that the investigation was limited to areas of the site where access was available. Further investigation is required and demolition of the existing buildings will allow access to previously inaccessible areas and the contaminated land condition recommended by PP will be imposed.

## 6.9 Other matters

- 6.9.1 The proposed development will be subject to Building Regulations and also the Management of HMO Regulations and this will ensure that the standard and

maintenance of the accommodation is acceptable. Building Regulations approval would be required to satisfy the requisite fire safety, acoustic and sustainability standards (including insulation, heating and ventilation). The Management of HMO Regulations sets out various responsibilities which landlords should comply with, including the provision of safety measures (e.g. fire escapes, firefighting equipment), a duty to provide waste disposal facilities and essential services such as water, gas and electricity and a general duty to maintain the living accommodation to an adequate standard. Laundry facilities are to be provided in the three storey post graduate block that is for use by all students.

## 7.0 CONCLUSION

7.1 It is considered that the proposed development is acceptable in principle in this sustainable location within Shrewsbury Town Centre making efficient and effective use of this brownfield site. It is considered that the scale, massing and layout of the proposal is acceptable and that subject to satisfactory design and detailing (subject to later approval) the proposed development would have no adverse impact on the setting of nearby listed buildings and would enhance the character and appearance of the street scene and this part of the Conservation Area. It is considered that the proposal would have no significant adverse impact on residential and local amenity and would have no adverse highway safety, ecological or arboricultural implications. It is considered that the proposal therefore accords with the NPPF and Shropshire LDF policies CS2, CS6 and CS17.

## 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 CS17

RELEVANT PLANNING HISTORY:

15/03009/FUL Demolition of former Shrewsbury Sixth Form College building known as The Tannery GRANT 14th September 2015

**11. Additional Information**

List of Background Papers: File 15/03580/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.

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

3.
  - 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.

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of



archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

5. Notwithstanding the submitted details the front (Barker Street & St Austins Street) elevations are not approved. The following design elements shall be submitted for approval prior to commencement of the relevant parts of the works:
- o The design, materials and finishes and colour scheme for the lift core elements that project above the roofline;
  - o The profile, design, materials and finish of the cornice treatments to include 1:5 scale sections - these shall be designed so as to reduce the bulk of the cornice and apparent mass of the structure;
  - o The fenestration disposition, proportion and materials and finishes for all windows to include 1:5 scale elevations and sections - this shall have regard to the context of this historic town centre location and give consideration to varying the treatment to each block;
  - o 1:5 scale details of all lintels and cills and brickwork to include colour, bond mortar mix and joint finish;
  - o Details of projecting string courses and materials, finishes and design of the ground floor elements for each block to consider rustication in brick/stone or render to the ground floor.
  - o 1:20 details of the boundary treatment between each block to illustrate continuity to the street frontage and an integrated landscape design;

Reason: To ensure a satisfactory appearance of the development in the interests of preserving and enhancing the character and appearance of the conservation area.

6. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, and in complete accordance with Revision A of the submitted Arboricultural Impact Assessment and Method Statement dated September 2015, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) All landscape planting to be undertaken in accordance with the detail provided in Revision A of the submitted Arboricultural Impact Assessment and Method Statement

dated September 2015 and Proposed Landscape Design Masterplan Drawing LA3411.1B

c) A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

7. Prior to completion of the buildings and the landscaping of the site (including hard surfacing) 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. Exceedance flow paths should be provided to ensure that any such flows are managed on site.

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

8. Prior to the first occupation of the development details of the proposed maintenance regime for the drainage system proposed, including details of who will take responsibility shall be submitted for approval.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

9. Prior to the development hereby permitted being first brought into use, the vehicle and cycle and pedestrian entry access points, internal layout and cycle parking shall be completed fully in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety.

10. Prior to the development hereby permitted being first brought into use, a Travel Plan shall be implemented in accordance with a document to be first submitted to and agreed in writing by the Local Planning Authority; subsequently the Travel Plan will evolve via the roles and duties outlined for the Travel Plan Co-ordinator and in consultation with Shropshire Council. The Travel Plan shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel in the interests of reducing carbon emissions and promoting health benefits.

11. A total of 3 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species and sparrow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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



Committee and date

Central Planning Committee

8 October 2015

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 15/03019/COU	<b>Parish:</b>	Smethcott
<b>Proposal:</b> Change of use from ancillary residential accommodation and stabling to form two holiday let properties		
<b>Site Address:</b> Batchcott Hall Batchcote Church Stretton Shropshire SY6 6NP		
<b>Applicant:</b> Mr & Mrs T Hunt		
<b>Case Officer:</b> Aileen Parry		<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 343839 - 298703



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for a change of use from ancillary residential accommodation and stabling to form two holiday let properties. An additional two parking spaces to the existing two parking spaces is also proposed.
- 1.2 The barn and its group of out buildings has planning for conversion into a single dwelling with ancillary living accommodation in part of the out buildings and stables, tack room W/C and oil storage under planning permission reference 12/03722/FUL.
- 1.3 The D&A advises that the applicants “wish to create a haven for holidaying couples, providing them a welcoming base from which to explore the Shropshire Hills by foot and bicycle. The accommodation will fulfil the highest standards possible in ecology and sustainability, whilst maintaining the agricultural vernacular, with an added focus on flora to encourage bees and birdlife.

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

- 2.1 Batchcott Hall is located a short distance from Picklescott. The immediate area surrounding the site comprises Batchcott Hall on one side and a three sided courtyard of converted barns on the other.

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

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 - Consultee Comments
- 4.1.1 SuDS  
No objection. Informative recommended.
- 4.1.2 SC Ecology  
Informative recommended.
- 4.1.3 SC Highways  
No comments received.

4.2 - Parish Council

Following the Parish Council's comments on the application previously submitted for a Variation of the original planning application, the Parish Council are now aware that the applicant has a private agreement with other residents to maintain the private roadway leading to this site.

However, the Parish Council still feel; that the site is too small to accommodate a family home and two holiday lets sharing very little amenity space within the ownership of the applicant.

- Shropshire Fire And Rescue Service

4.3 As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration items to be included as an informative on any permission granted.

- Public Comments

4.4 Five neighbours have been consulted. One objection has been received the main points of which concerned on-site management, shared driveway costs, privacy of Batchcott Hall and its gardens. These have subsequently been withdrawn after discussions with applicant by the objector.

## 5.0 THE MAIN ISSUES

Principle of development

Amenity impact on neighbouring units and locality

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 It is considered by officers that the proposal complies with CS6 and CS16 of the Core Strategy, and the Town and Country Planning (Use Classes) Order 1987 (as amended).

6.1.2 Class C3 is dwellinghouses which contains both main dwellings and holiday lets. There is therefore no change in Class.

6.2 Amenity impact on neighbouring units and locality

- 6.2.1 It is felt that permitting the change of use from ancillary accommodation to holiday let accommodation will result in not more of an impact on the adjacent buildings and their uses. The holiday lets are considered will bring additional tourism to the area and therefore promoting Shropshire as a tourist destination as required under CS16.
- 6.2.2 The comments provided by the Parish Council are noted but for holiday lets there is no requirement to have amenity space on a par with a dwelling. Officers consider that the use as holiday lets infers that individuals using the facilities will not reside at the premises but use it as a base for touring and sightseeing in the area and county.
- 6.2.3 Officers consider that there will be no detrimental impact to the highway safety of the road. It is also noted that the concerns raised by an objector, as provided in 4.4 above, have now been resolved by discussion between the objector and the applicant.

## 7.0 CONCLUSION

**It is considered that the proposal complies with the relevant criteria under the Town and Country Planning (Use Classes) Order 1987 (as amended) Class C3, and Core Strategy CS6 and CS16 and is therefore acceptable in principle.**

**It is therefore recommended that members support this application and grant planning permission for a change of use from ancillary residential accommodation and stabling to two holiday lets.**

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management

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

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with

the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 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: CS6 and CS16  
Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

### RELEVANT PLANNING HISTORY:

12/03722/FUL Conversion of existing derelict barn into a dwelling GRANT 29th April 2013  
15/01739/AMP Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling GRANT 7th August 2015  
15/02251/VAR Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling to allow alterations to the plans and use of ancillary residential accommodation as two holiday lets (amended description). WDN 15th July 2015  
10/04172/FUL Conversion of redundant agricultural building to residential/work use, two outbuildings to workshops and demolition of two outbuildings GRANT 22nd November 2010  
11/01983/VAR Removal of condition numbers 3 and 11 attached to planning permission reference 06/0652/F dated 16th August 2006 to allow the holiday let accommodation to be used as a permanent residence WDN 11th October 2011  
11/03036/FUL Change of use of 3 existing holiday let units into 3 residential dwellings (one of which to be affordable) NPW 7th September 2011  
11/03762/COU Change of use of 3 no. holiday lets into 3 no. dwellings with one reserved for affordable housing GRANT 20th July 2012  
11/04368/FUL Installation of 42 roof mounted PV Solar Panels on an agricultural building GRANT 15th February 2012  
12/02729/VAR Removal of condition no.16 attached to planning permission 10/04172/FUL to allow implementation of the residential part of the permission prior to the completion and operation of the work element REFUSE 21st December 2012  
12/03722/FUL Conversion of existing derelict barn into a dwelling GRANT 29th April 2013  
14/03861/OUT Outline application for the erection of 1No dwelling (all matters reserved) REFUSE 4th December 2014  
15/01739/AMP Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling GRANT 7th August 2015  
15/02251/VAR Variation of Condition No. 2 (approved plans) attached to Planning Permission 12/03722/FUL dated 29th April 2013 for the conversion of existing derelict barn into a dwelling to allow alterations to the plans and use of ancillary residential accommodation as two holiday lets (amended description). WDN 15th July 2015  
15/03020/LBC Change of use of existing outbuildings from ancillary residential accommodation and stabling, tack room etc to 2 holiday lets NPW 7th August 2015  
SA/90/0955 Conversion of stables and garage into a holiday cottage. PERCON 21st April 1992

### Appeal

15/02312/REF Outline application for the erection of 1No dwelling (all matters reserved)  
INPROG

## **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)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Tim Barker
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Appendices APPENDIX 1 - Conditions
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## 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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The premises shall only be used for the purposes of a holiday let accommodation within Use Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order, and for no other purposes within that Order.

Reason: To maintain the character of the area.

4. The units of holiday accommodation hereby permitted shall not be occupied or used other than in accordance with the criteria set out below:

- (i) the building shall be used for holiday accommodation only;
- (ii) the units of holiday accommodation shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the units of holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

The register required in (iii) above shall normally be collected by the site owner or his/her nominated person.

Reasons: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

### Informatives

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

#### Water Butts

Rainwater harvesting system

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

Attenuation

Greywater recycling system

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

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

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

3. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:  
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

#### Dwelling Layout Inappropriate Holiday Let Accommodation

It should be noted that due to the proposed use of the premises and the proposed open plan nature of the layout of the premises, this poses a significant risk to the occupants in case of fire. Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.

Therefore the Fire Authority would advise an improvement in the means of escape arrangements and the applicant is requested to consider the following advice that may go some way to alleviate the above issue. A separate fire protected means of escape should be provided from all bedrooms that don't pass through an area of higher fire risk. Further advice can be found on our website [www.shropshirefire.gov.uk](http://www.shropshirefire.gov.uk)

#### Sprinkler Systems - Residential Premises

When determining the fire safety strategy for the application, it is important that the intervention of the fire service and the response time is included in the process. This is of particular importance if the project provides housing for members of the community in remote rural areas or with mobility issues.

Integrated Risk Management Plan (IRMP) response standards have been introduced for every postcode in Shropshire. The applicant should be mindful that the response time for an appliance with 5 firefighters to SY6 6NP will be within 20 Minutes. In a fire

situation this time period could be crucial to the safety of the occupants and also influence the success of firefighters in restricting the spread of fire within the building. The benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke. Evidence suggests that where fire sprinkler systems have been fitted, fire deaths have almost been eliminated, fire injuries reduced by over 80%, and a significant improvement in fire fighter safety achieved. In addition, property damage has been reduced by over 80%.

Accordingly, It is recommended that consideration is given to the installation of a sprinkler system that conforms to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute.

Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site [www.basa.org.uk](http://www.basa.org.uk)

#### Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.



<u>Committee and date</u>
Central Planning Committee
8 October 2015

## Development Management Report

<b>LPA reference</b>	14/05691/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr S Speake
<b>Proposal</b>	Erection of 1 No dwelling and detached double garage
<b>Location</b>	Proposed Dwelling Opposite Pharay Habberley Shrewsbury
<b>Date of application</b>	19.12.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	05.03.2015
<b>Date of appeal</b>	15.04.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	06.08.2015
<b>Date of appeal decision</b>	03.09.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/02417/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr W Davies
<b>Proposal</b>	Erection of one dwelling; including balcony, detached double garage and formation of vehicular access
<b>Location</b>	Land North Of Bridge Farm Uffington Shrewsbury
<b>Date of application</b>	02.06.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	13.01.2015
<b>Date of appeal</b>	12.05.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	07.07.2015
<b>Date of appeal decision</b>	03.09.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/02767/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr W Warner
<b>Proposal</b>	Outline planning application for the erection of 3 detached dwellings to include access (amended description)
<b>Location</b>	Land Opposite Top Farm Kinton Shrewsbury
<b>Date of application</b>	23.06.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	27.04.2015
<b>Date of appeal</b>	07.05.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	05.08.2015
<b>Date of appeal decision</b>	04.09.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED – COSTS REFUSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/03171/OUT
<b>Appeal against</b>	
<b>Appellant</b>	Mrs L Stone
<b>Proposal</b>	Outline application for the erection of two dwellings to include access
<b>Location</b>	Land North Of Sunnyfields Withington Shrewsbury
<b>Date of application</b>	15.07.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	09.10.2014
<b>Date of appeal</b>	17.06.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	02.09.2015
<b>Date of appeal decision</b>	09.09.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/02367/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr & Mrs M Gould
<b>Proposal</b>	Outline application for residential development for 12 dwellings to include access (amended description)
<b>Location</b>	Land North Of Preston Gubbals Road Bomere Heath Shrewsbury
<b>Date of application</b>	30.05.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	24.11.2014
<b>Date of appeal</b>	22.05.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	02.09.2015
<b>Date of appeal decision</b>	16.09.2015
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	14/03861/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr P Fontaine
<b>Proposal</b>	Outline application for the erection of 1 No dwelling (all matters reserved)
<b>Location</b>	Batchcott Hall Batchcote Church Stretton
<b>Date of application</b>	26.08.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	04.12.2014
<b>Date of appeal</b>	29.06.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/01484/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mrs Carole Price
<b>Proposal</b>	Erection of a dwelling
<b>Location</b>	Land East Off Red Barn Road Off Longden Road Shrewsbury
<b>Date of application</b>	02.04.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	05.02.2015
<b>Date of appeal</b>	05.06.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

<b>LPA reference</b>	14/04747/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Mr Colin Brady
<b>Proposal</b>	Outline application for the erection of two detached dwellings (to include access)
<b>Location</b>	Land To The East Of Preston Montford Lane Montford Bridge Shrewsbury
<b>Date of application</b>	21.10.2014
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	22.12.2014
<b>Date of appeal</b>	26.05.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	



## Appeal Decision

Site visit made on 6 August 2015

by **David Murray BA (Hons) DMS MRTPI**

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

Decision date: 3 September 2015

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**Appeal Ref: APP/L3245/W/15/3018212**

**Land opposite Pharay, Habberley, Shrewsbury, Shropshire, SY5 0TP.**

- 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 S Speake against the decision of Shropshire Council.
  - The application Ref. 14/05691/FUL, dated 18 December 2014, was refused by notice dated 5 March 2015.
  - The development proposed is the erection of a detached dwelling and double garage.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the new dwelling proposed would accord with the development strategy for the area;
  - The effect on the character and appearance of the area;
  - Whether the proposal would constitute sustainable development.

### Reasons

#### *Background*

3. The site forms part of an open field on the edge of Habberley which I would describe as a hamlet. There is a detached dwelling "Pharay" to the east of the site but otherwise the site is surrounded by fields and tracts of woodland and it lies away from the main part of the hamlet situated around the church and a pub. There is a mature hedge along the road frontage but the other boundaries of the application site are open at the moment. The site and surrounding land form part of the Shropshire Hills Area of Outstanding Natural Beauty (SHAONB).
4. It is proposed to erect a detached four bedroom dwelling in the form of a two storey cottage with the upper floor partly in the roofspace and lit by dormer windows and a central gable feature on each main elevation. A new/wider access is proposed leading to a new detached garage.

*Development plan context*

5. The development plan for this area comprises the Council's Core Strategy adopted in 2011 (CS), saved policies in the Shrewsbury and Atcham Local Plan (2001) (Local Plan) and the emerging Shropshire Site Allocations and Management of Development Plan (SAMDev) Development Plan Document.
6. Taking these in turn, in relation to the appeal site, the Council advises that the Local Plan does not regard Habberley as a settlement in which new housing development should take place, as per Policy H3, and therefore the appeal site should be regarded as a countryside location where development is restricted. This policy generally accords with the provisions of the National Planning Policy Framework (the Framework) as set out in paragraph 55, concerning new isolated homes in the countryside, and therefore the Local Plan policy should continue to have some weight.
7. The Core Strategy sets out a spatial vision for the county until 2026 and makes provision for the development of 27,500 new homes. As part of the strategy the CS allows for development in rural areas through 'Community Hubs' and 'Community Clusters' as defined in Policy CS4. The policy also sets down criteria for development within these hubs and clusters. Outside of these defined places, Policy CS5 indicates that development will be strictly controlled in the countryside and the Green Belt.
8. The SAMDev DPD was submitted to the Secretary of State in August 2014 and following examination Main Modifications have been produced in order to make the DPD 'sound'. The Council has consulted on these Modifications in the period until 13 June of this year. Therefore, although the SAMDev has not been formally modified and adopted, weight can be given to the policies not identified as requiring modification in accordance with the guidance in paragraph 216 of the Framework.
9. I understand that while the neighbouring village of Pontesbury is defined as a community hub or cluster, Habberley is not so defined in the SAMDev and therefore the development strategy in the adopted and emerging parts of the development plan have a clear presumption in principle against the development proposed in order to protect the character and appearance of this area of countryside.
10. The appellant's agent says that the SANDev has not been found to be sound and is subject to legal objections. He also disputes the process of selection of clusters and hubs and refers to various other small settlements in the SHAONB which have been recognised as sustainable locations where some development can take place. However, these are matters for the Inspector undertaking the Examination into this plan and main modifications would not have been published if these would not be likely to result in the plan being considered sound. This examination would also have considered compliance of the SAMDev with national guidance in the Framework and Planning Practice Guidance. I therefore have no reason not to give some weight to the emerging plan at this time.
11. In any event I observed at my site visit that Habberley lies well away from the much larger settlement of Pontesbury which I found to be physically separate

and distinct at my visit. On the basis of my observations and the limited evidence put to me, I share the Council's concerns that the site does not lie in a sustainable location and the development plan and national guidance does not encourage new development in such a place.

12. Overall on this issue, I conclude that the proposal does not accord with the development strategy contained in the development plan.

#### *Housing land supply*

13. Coupled with the development strategy is the issue of housing land supply (HLS). The appellant's agent submits that the Council have failed to demonstrate a five years supply of land for new housing development in accordance with paragraph 47 of the Framework and implies that therefore paragraph 49 of the Framework is engaged. In evidence of this, he refers to a legal challenge (by other parties) and the public examination into the SAMDev and refers to two appeal decisions where the Inspector held that the Council did not have a five year supply. I refer to these below.
14. The Council indicates that its HLS position statement published in August 2014 concluded that the Council could demonstrate 5.47 years supply of deliverable housing land for Shropshire. Further, in other local appeals before me the Council also refers to an update on HLS published in June 2015 which continues to assert that this supply is maintained. The update also refers to recent appeal decisions where the issue was explored at hearings and the Inspectors concluded that a five years supply was demonstrated.
15. The appeal decisions referred to by the appellant<sup>1</sup> pre-date the publication of the SAMDev's Main Modifications and in any event it appears to me that in the case of appeal ref. 2229145 the issue of HLS did not form a substantial part of the Inspector's decision.
16. Overall, I consider that the evidence submitted in support of this case does not indicate that the Council cannot demonstrate a five years supply of deliverable sites for new housing at the moment. I therefore find that paragraph 49 of the Framework is not engaged in this case.

#### *Effect on character and appearance*

17. At my site visit I considered the effect of the proposal on the site itself and from local highways on the edge of Habberley. Although I noted the presence of the house "Pharay" on the eastern side of the lane, I felt this was an isolated property beyond the main core of the village. On the western side of the lane there is a substantial area of woodland to the south of the houses and barn conversions around "Habberley Hall" and the "old Barns". In my view, there is a distinct change in character between the location and presence of houses and gardens in the village and the large expanse of open field that the appeal site forms part of.
18. The proposed house would be visually and physically isolated from the village and would appear as a stark intrusion into this area of countryside which is recognised to be of special value by its designation of part of the SHAONB. Further, although there is a mature hedge along the road frontage at the moment, I consider that the presence of the house would be quite apparent

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<sup>1</sup> APP/L3245/W/14/3001799 & APP/L3245/W/15/2229145

and this would detract significantly from the wider view of the hills rising in the background to the site.

19. Given the characteristics of the site and the pattern of the village I do not consider that the proposal would constitute an acceptable form of 'infilling' as the appellant's agent implies. Rather, I find that it would be an isolated structure which would be significantly visually harmful to the character and appearance of the area and would harm the present open setting of the village in the SHAONB.
20. Accordingly, I conclude on this issue that the proposal does not accord with the provisions of Policy CS5 of the Core Strategy as it does not fall within any of the stated exceptions within the policy and would harm significantly the character and appearance of the countryside.

#### *Other considerations*

21. The appellant's agent says in his final comments that the housing needs of the area and of the appellant have not been taken into consideration. However, these have not been spelt out or shown to be exceptional. There is no suggestion that the proposed dwelling would fall within the scope of 'affordable housing' or be one of the exceptional categories for acceptable development in the countryside as set out within Policy CS5 or paragraph 55 of the Framework. I am therefore not able to place much weight on this aspect.

#### *Whether sustainable development*

22. The Framework sets out in paragraph 7 the three dimensions to sustainable development. The proposal would contribute to the social role by adding to the supply of houses locally in a limited way and it would enable the appellant and his family to live locally. There is also likely to be some limited economic benefit through the building of the new house and by a few more people contributing to local services and facilities. However, because of the significant adverse effects that I have identified that the proposal would cause to the character and appearance of the area, I conclude that the proposal would not protect or enhance the natural or built environment and so the environmental dimension is not met. I also consider that the proposal would not result in a pattern development and location which would minimise the need to travel by car and maximise the use of sustainable transport, as set out in paragraph 34 of the Framework. Accordingly, I conclude that the proposal does not constitute 'sustainable development' when the Framework is read as a whole.

#### *Planning balance*

23. Bringing together my conclusions on the main issues, I have found that the proposal would not accord with the overall provisions of the adopted and emerging development plan as the location of the dwelling would not accord with the development strategy. The proposal would not constitute an acceptable form of infilling but would harm significantly the character and appearance of this countryside area on the edge of Habberley. I have also found that the new house would harm the setting of the village in the SHAONB. The Framework says in paragraph 115 that great weight should be given to conserving the landscape and scenic beauty of AONBs. Finally, I have found that the proposed dwelling would not constitute sustainable development.

24. This conflict with the development plan is not outweighed by any other consideration including an alleged lack of adequate housing land supply at the moment. I conclude that the adverse effects of the proposal are not outweighed by any benefits in the context of paragraph 14 of the Framework and therefore the appeal should not be allowed.

**Conclusion**

25. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR

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## Appeal Decision

Site visit made on 7 July 2015

by **David Murray BA (Hons) DMS MRTPI**

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

Decision date: 3 September 2015

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**Appeal Ref: APP/L3245/W/15/3033290**

**Land north of Bridge Farm, Church Road, Uffington, Shrewsbury, Shropshire, SY4 4SS.**

- 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 W Davies against the decision of Shropshire Council.
  - The application Ref. 14/02417/FUL, dated 24 May 2014, was refused by notice dated 13 January 2015.
  - The development proposed is the erection of one open market dwelling, detached double garage and formation of vehicular access.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal accords with the development strategy for the area;
  - The effect of the proposal on the character and appearance of the area;
  - Whether the proposal constitutes sustainable development.

### Reasons

#### *Background*

3. The appeal site forms part of a larger field located on the edge of the village of Uffington. Local roads form a 'Y' shape junction and the appeal site comprises the land in the centre of the 'Y' shape at the southern end of the village. It is proposed to erect a large three bedroom detached house with detached double garage. This would be an open market property although the appellant's agent has indicated that the appellant would be prepared to make a contribution to the provision of affordable housing locally in accordance with the Council's policy.

#### *Accord with the development strategy*

4. The development plan for this area comprises the Council's Core Strategy adopted in 2011 (CS), saved polices in the Shrewsbury and Atcham Local Plan

- (2001) (Local Plan) and the emerging Shropshire Site Allocations and Management of Development Plan (SAMDev) Development Plan Document.
5. Taking these in turn in relation to the appeal site, the Local Plan does not regard Uffington as a settlement in which development should take place, as per Policy H3, and therefore the appeal site should be regarded as a countryside location where development is restricted. This policy generally accords with the provisions of the National Planning Policy Framework (the Framework) as set out in paragraph 55 and therefore the policy should continue to have some weight.
  6. The Core Strategy sets out a spatial vision for the county until 2026 and makes provision for the development of 27,500 new homes. As part of the strategy the CS allows for development in rural areas through 'Community Hubs' and 'Community Clusters' as defined in Policy CS4. The policy sets down criteria for development within these hubs and clusters. Outside of these defined places, Policy CS5 indicates that development will be strictly controlled in the countryside and the Green Belt.
  7. The SAMDev DPD was submitted to the Secretary of State in 2014 and following examination the Council has produced Main Modifications which are intended to make the DPD sound. The Council has consulted on these modifications in the period until 13 June of this year. Therefore, although the SAMDev has not been formally modified and adopted, some weight can be given to the policies not identified as requiring modification in accordance with the guidance in paragraph 216 of the Framework.
  8. I understand that Uffington is defined under policy S16.2(xiv) of the SAMDev as a 'Community Cluster Settlement' with a housing guideline of approximately 5 additional dwellings over the period until 2016. This will be delivered on the site allocated for housing leaving scope for limited infill development and conversions which may be acceptable on suitable sites.
  9. The Council advises that planning permission now exists for five market houses on a site to the south of the appeal site but further development is being considered on a case-by-case basis in accordance with SAMDev policy MD3. The criteria set out in part (iv) of policy MD3 includes "the impacts of the development including the cumulative impacts of a number of developments in a settlement". Although the parish council says that there is the possibility of an additional house being permitted elsewhere in the village, and which would use up the balance of the housing numbers allowed in the settlement, it would not be reasonable to enforce a rigid application of the settlement policy advanced in the emerging plan at this early part of the strategy to 2026.
  10. I conclude from this policy background that in principle the erection of a single new dwelling in Uffington at the moment would not be substantially in conflict with the development strategy set out in the CS and the emerging SAMDev, subject to the consideration of the local impact of the proposal, and that greater weight should be given to this emerging policy basis than the conflict of the proposal with the provisions of the 'old' Local Plan.

#### *Supply of housing*

11. The appellant's agent submits that, in addition to scope for an open market dwelling at the moment, at the time that the application was submitted the



Council could not demonstrate a five years supply of land for new housing development in accordance with paragraph 47 of the Framework. Further, he says that therefore paragraph 49 of the Framework was engaged at that time and that the Council acted unreasonably in delaying the proposal and not issuing a decision for some 7 months.

12. Nevertheless, the Council indicates that its position statement published in August 2014 concluded that the Council could demonstrate 5.47 years supply of deliverable housing land for Shropshire. Further, the Council also refers to an update published in June 2015 which continues to assert that this supply is maintained, albeit with development programmed to take place in accordance with the emerging SAMDev. The update also refers to recent appeal decisions where the issue was explored at hearings and the Inspectors concluded that a five years supply was demonstrated.
13. Despite what the appellant's agent says about the historical position on housing land supply, I have to consider the most recent position and on the basis of the evidence put to me, I conclude that the Council is able to demonstrate a supply of deliverable sites at the moment sufficient to deliver a five year supply of new houses to meet up-to-date housing requirements, in accordance with paragraph 47 of the Framework. Accordingly, paragraph 49 of the Framework is not engaged in this case.

*Effect on the character and appearance of the area*

14. In terms of the character of the area, I agree with the appellant's agent that Uffington has a mainly linear form. Generally the properties front Church Road and lie to the east and west of it. I also noted the new development that has taken place and the outstanding permissions yet to be implemented, as shown on the appellant's agent's plan of the land around the site. This new development tends to 'fill-in' the land between the more established part of the village around "Manor Court" to "Top Cottages" at the southern end of the village.
15. I see the location and form of the appeal site as being materially different to the established pattern of the village. The proposed house would be seen in an isolated position on its own at the junction and there would be a material gap to the most southerly house on the eastern side of the village. Further, the proposed house would close off the open vista at the end of the village and restrict the view of the open countryside to the south. I see this existing visual 'end' to Uffington as an important part of its rural character and setting and this would be lost by the position and scale of the proposed house.
16. Overall, I consider that the proposal would have an imposing visual impact on the appearance of the village and would significantly harm rather than complement its character. For this reason I conclude that the proposal does not constitute an acceptable form of 'infilling' and the adverse impact means that the proposal would not accord with policy MD3 in the emerging SAMDev.

*Whether the proposal constitutes sustainable development*

17. The Framework sets out in paragraph 7 the three dimensions to sustainable development. The proposal would contribute to the social role by adding to the supply of houses in a limited way and enable the appellant to live locally. There could also be a small contribution to affordable housing provided elsewhere.

There is also likely to be some limited economic benefit through the building of the new house. However, because of the significant adverse impacts that I have identified that the proposal would cause to the character and appearance of the area, I conclude that the proposal would not protect or enhance the natural or built environment and so the environmental dimension is not met. Accordingly, the proposal does not constitute 'sustainable development' when the Framework is read as a whole.

*Planning balance*

18. Bringing together my conclusions on the main issues, I have found that the proposal would not accord with the overall provisions of the development plan and that the position and scale of the dwelling proposal would not constitute an acceptable form of infilling but would harm significantly the character and appearance of Uffington. As such, it would not constitute sustainable development.
19. This conflict with the development plan is not outweighed by any other consideration including an alleged lack of adequate housing land supply at the time when the planning application was submitted or by the potential contribution to affordable housing. The adverse effects of the proposal are not outweighed by any benefits in the context of paragraph 14 of the Framework and therefore the appeal should not be allowed.

**Conclusion**

20. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR

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# Appeal Decision

Site visit made on 5 August 2015

by **David Murray BA (Hons) DMS MRTPI**

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

Decision date: 4 September 2015

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**Appeal Ref: APP/L3245/W/15/3031289**

**Land opposite Top Farm, Kinton, Nesscliffe, Shrewsbury, SY4 1AZ.**

- 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 Mr W Warner against the decision of Shropshire Council.
  - The application Ref. 14/02767/OUT, dated 19 June 2014, was refused by notice dated 27 April 2015.
  - The development proposed is the erection of three detached dwellings and new access and driveway.
- 

## Decision

1. The appeal is dismissed.

## Application for costs

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

## Procedural matters

3. The application is made in outline format with details of the access to be considered at this stage but the other aspects of the 'appearance', 'landscaping', 'layout' and 'scale' of the development are reserved for subsequent approval.
4. The application was originally submitted for the erection of four detached dwellings and the formation of a new access and driveway although it appears that the application was revised during its consideration by the Council to be for the erection of three dwelling and the 'indicative' layout was also amended. I have considered the appeal on this basis.
5. A Unilateral Undertaking (UU) dated 15 July 2015, signed by the appellant and his bank, and made under the provisions of Section 106 of the Act, has been submitted with the appeal. In general terms the UU covenants the mortgagee and landowner to provide a contribution towards the provision of off-site affordable housing in accordance with a Supplementary Planning Document within one year of the commencement of the development. I have had regard to the UU as a material consideration subject to my assessment under the CIL Regulations as set out in paragraph 27 below.

## Main Issues

6. The main issues are:

- Whether the new dwelling proposed would accord with the development strategy for the area;
- The effect on the character and appearance of the area;
- Whether the proposal would constitute sustainable development.

## Reasons

### *Background*

7. The appeal site forms part of a larger field on the edge of the village of Kinton. To the south of the site lie some detached houses in a mixture of designs while to the west on the opposite side of the lane lies Top Farm and its farmstead. There is a public footpath to the south of the site running along the edge of the field.
8. It is proposed in outline to build three detached houses off a new shared access and driveway to the front of the properties.
9. I note from the appellant's statement that initially a planning officer assessment of the development was favourable and approval was recommended subject to the completion of a formal 106 Agreement to make provision for affordable housing. However, it is evident that there was a change of mind and thereafter the Council took the formal decision to refuse planning permission.

### *Accord with the development strategy*

10. The development plan for this area comprises the Council's Core Strategy adopted in 2011 (CS) and the emerging Shropshire Site Allocations and Management of Development Plan (SAMDev) Development Plan Document. In this case the Council has not made reference to saved policies in the Shrewsbury and Atcham Local Plan (2001) (Local Plan) which have arisen in other local cases before me at the moment.
11. The Core Strategy sets out a spatial vision for the county until 2026 and makes provision for the development of 27,500 new homes. As part of the strategy the CS allows for development in rural areas through 'Community Hubs' and 'Community Clusters' as defined in Policy CS4. The policy sets down criteria for development within these hubs and clusters. Outside of these defined places, Policy CS5 indicates that development will be strictly controlled in the countryside and the Green Belt.
12. The SAMDev DPD was submitted to the Secretary of State in August 2014 and following examination the Council has published Main Modifications which are intended to make the DPD sound. The Council has consulted on these modifications in the period until 13 June of this year. Therefore, although the SAMDev has not been formally modified and adopted, some weight can be given to the policies not identified as requiring modification in accordance with the guidance in paragraph 216 of the Framework.
13. Turning now to the detail of the Policies, within the SAMDev Kinton is being put forward as part of a 'Community cluster' with Nesscliffe as the 'Community Hub'. The Council says that the Cluster can accommodate between 10-15 dwellings in the period up to 2026. This means that, in principle, some development is appropriate in Kinton subject to meeting the criteria set out in Policies CS4 and

CS6, the latter of which sets out 'Sustainable Design and Development Principles'.

14. In relation to locational criteria, Policy CS4 requires focusing investment and development in Community Clusters and "not allowing development outside of these settlements" unless a proposal is for one of the exceptional categories for development in the countryside as specified in Policy CS5. In essence, the appeal turns on whether the site of the three houses proposed lies inside or outside the settlement of Kinton and the scale of the development.
15. It is clear that the initial planning officer assessment in his Development Management Report (undated but said by the appellant to have been made in October 2014) was that while the proposal was a departure from the countryside policies advanced in CS5 ahead of the adoption of the SAMDev plan, it was judged that the site lay "on the edge of the hamlet" and had a close physical relationship with "Top Barn". At that stage it was concluded that the site was "within the natural hamlet edge" and the three houses would make up part of the main built-up area of Kinton. It was also concluded that the development would contribute to the promotion of the community Cluster and be an appropriate location for an infill plot. As such the proposal was judged to be an acceptable form of sustainable development subject to the completion of a legal agreement to secure the provision of off-site affordable housing.
16. The Council does not explain why there was a change of heart but the formal decision of the Council refers to the site being outside the settlement and in the countryside and the Council's statement refers to the harmful effect on the character and appearance of the area. Moreover, the Council has not provided evidence to suggest that the 10-15 dwellings total put forward for the 'cluster' would be materially exceeded if the appeal proposals were allowed.
17. I will consider this local impact under a subsequent issue on the effect on character and appearance of the area, but I conclude on the first issue that the proposal for three houses would generally accord with the adopted and emerging development strategy for the area if the development was within the settlement and that it had an appropriate impact in its local context.

#### *Housing land supply*

18. Coupled with the development strategy is the issue of housing land supply (HLS). The appellant's agent submits that the Council has failed to demonstrate a five years supply of land for new housing development in accordance with paragraph 47 of the Framework and implies that therefore paragraph 49 of the Framework is engaged. In evidence of this, he refers to two appeal decisions<sup>1</sup> where the Inspector held in May and June of this year that the Council did not have a five year supply. I refer to these below.
19. The Council indicates that its HLS position statement published in August 2014 concluded that the Council could demonstrate 5.47 years supply of deliverable housing land for Shropshire. Further, in other local appeals before me the Council also refers to an update on HLS published in June 2015 which continues to assert that this supply is maintained. The update also refers to recent appeal decisions<sup>2</sup> where the issue was explored at hearings and the Inspectors concluded that a five years supply was demonstrated.

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<sup>1</sup> APP/L3245/W/14/3001829 and APP/L3245/W/14/3001799

<sup>2</sup> APP/L3245/W/14/2228345 and APP/L3245/W/14/3000672

20. It appears to me that the position regarding HLS has been fluid as indicated in the range of appeal decisions put to me, however in the two presented by the appellant HLS did not form a significant part of the Inspectors decision. Whereas, in 2228345 and 3000672, although of earlier dates, the Inspector concluded that a five years supply was demonstrated at that time on the basis of a detailed analysis of housing requirements and of housing supply. I therefore attach more weight to these decisions.
21. Overall, I conclude that the evidence submitted in support of this case does not indicate that the Council are not able to demonstrate a five year supply of deliverable sites for new housing at the moment. I therefore find that paragraph 49 of the Framework is not engaged in this case.

*Effect on character and appearance of the area*

22. At my site visit I considered the appeal site from the adjoining public highway and the public footpath along the southern boundary of the site, and also noted the wider pattern and character of the village. Kinton is mostly linear in form with the main part of the village comprising a variety of houses of different ages and architecture. High red sandstone walls along the frontage are a prominent feature in the street scene of the village. To the east of the village lie extensive commercial premises which have a separate access. In the western part of the village the main lane sweeps round in a northerly direction and to the west of the lane lie Middle Farmhouse and the Top Farm complex. The appeal site lies to the east of the lane at this point.
23. The existing pattern of the hamlet is such that the appeal site would only co-join the established built-up part by being opposite Top Farm and this immediate relationship is visually separated by the existing hedge along the road frontage. The dwelling to the south of the appeal site "Holly Cottage" faces the east-west element of the village and there is an open field /paddock between the garden of this house and the appeal site. To the north of appeal site there is the remaining part of the larger open field which is partly enclosed by a field hedge and then productive farmland to the north.
24. In my view the present character of the site is of open agricultural/grazing land and the site itself does not display the characteristics of a village setting. I consider that the site is visually and physically separate from the village and consequently the development proposed would appear isolated in the countryside away from the existing fabric of the village and in an area where Policy CS5 applies. The proposal does not meet any of the criteria for exceptional development as set out in this policy.
25. Although there is an existing hedge along the road frontage, which could be retained and/or replaced, in my view the development would be very prominent and exposed beyond the edge of the village and I consider that the presence of the three new houses would significantly harm the present character and appearance of this area of countryside. As such, I find that the proposal does not protect, restore or conserve the natural or built environment of this area of countryside and would be contrary to Policy CS6.
26. Overall, I agree with the judgement set out in the formal decision notice that the proposed three new houses would not be located within Kinton. Further the development would have a visual and physical impact which would significantly harm the character and appearance of the rural setting of the village. I therefore

find that the proposal would not accord with the criteria set out in Policies CS5 and CS6 of the Council's Core Strategy.

*Whether sustainable development*

27. The Framework sets out in paragraph 7 the three dimensions to sustainable development. The proposal would contribute to the social role by adding to the supply of houses in the village. There is also likely to be some limited economic benefit through the building of the new house. However, because of the significant adverse impacts that I have identified that the proposal would cause to the character and appearance of the area, I conclude that the proposal would not protect or enhance the natural or built environment and so the environmental dimension is not met. Accordingly, the proposal does not constitute 'sustainable development' when the Framework is read as a whole.

*Other matters*

28. The UU described in paragraph 5 above covenants for a contribution to be made towards the provision of affordable housing off-site, in accordance with the Council's Supplementary Planning Document. I am satisfied that this mechanism for the provision of affordable housing is put forward to meet the terms of development plan policy and supplementary guidance and is necessary to make the development acceptable in planning terms. The amount of contribution would be directly related to the development and is fairly and reasonably related to the development in scale and kind. I therefore find that the tests of the Community Infrastructure Levy Regulations 2010 and the requirements set out in paragraph 204 of the Framework (2012) are met. The Contribution would only be payable if planning permission is granted for the development proposed and is implemented.

*Planning balance*

29. Bringing together my conclusions on the main issues, I have found that the proposal would not accord with policies CS5 and CS6 of the development plan, because, while the principle of limited development in Kinton can now be acceptable, the location of the three houses proposed would not constitute an acceptable form of infilling but would harm significantly the character and appearance of an area of countryside outside the village. As such, the proposal would also not constitute sustainable development when the Framework is read as a whole.
30. I find that this conflict with the development plan and national guidance is not outweighed by any other consideration including an alleged lack of adequate housing land supply at the time when the planning application was submitted and a contribution towards the provision of affordable housing off-site. The adverse effects of the proposal are not outweighed by any benefits in the context of paragraph 14 of the Framework and therefore the appeal should not be allowed.

**Conclusion**

31. For the reasons given above I conclude that the appeal should be dismissed.

*David Murray*

INSPECTOR

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## Costs Decision

Site visit made on 5 August 2015

by David Murray BA (Hons) DMS MRTPI

Decision date: 4 September 2015

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### **Costs application in relation to Appeal Ref: APP/L3245/W/15/3031289 Land opposite Top Farm, Kinton, Nesscliffe, Shrewsbury, SY4 1AZ**

- 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 Warner for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of an outline application for the erection of three detached dwellings and formation of new driveway and vehicular access.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The appellant submits that the Council have acted unreasonably in that it has refused development that should have been permitted; made generalised statements about the proposal's impact; not determined similar cases in a consistent manner; and failed to produce evidence to substantiate each reason for refusal. All of these factors are set out in the Planning Practice Guidance as examples of what may constitute unreasonable behaviour. Further, the appellant highlights the delay in processing the application and the inconsistencies over the assessment of the proposal, where the proposal was originally thought by a planning officer to be acceptable, and then the Council changed its mind without good reason.
3. The Council indicates that it formally decided the application in accordance with the development plan and national guidance and has not acted unreasonably in that it has been able to substantiate each reason for refusal.
4. The national Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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.
5. Dealing first with the procedural issues associated with the processing of the planning application, the Council was tardy in that it did not decide the application within the national target for this form of development. Further, it is unfortunate that, apparently, a preliminary officer assessment was published for public view and then a formal decision based on a contrary assessment was issued without explanation. Nevertheless, I have taken into consideration that the development plan was in a fluid state at that time when emerging policies in the SAMDev, designed to give greater detail to the adopted Core Strategy,

could be given greater weight. It is also apparent that the local housing land supply issue was fluid. Consideration also had to be given to the Written Ministerial Statement about affordable housing issued on the 28 November 2014.

6. Taken on their own, while these procedural aspects of the planning application are not consistent with good practice, I do not consider that they amount to a clear case of unreasonable behaviour.
7. Turning now to the planning merits of the case, at the conclusion of my planning assessment I agreed with the Council's formal view that the proposal did not accord with the stated policies about the development being outside of the village and the adverse impact on an area of countryside. This involved a planning judgement based on the policies in the adopted development plan which is a legal requirement. I also found that the Council was able to substantiate both of the reasons for refusal which took into account the development plan and national guidance in the Framework including the overall issue about whether the proposal constituted sustainable development.
8. As such there was not a clear presumption that the development proposed should have been permitted as the appellant submits. Nor is there clear evidence before me to demonstrate that the Council has been inconsistent in its decisions given that each development proposal must be considered on its individual merits and the circumstances of the site.
9. Overall, I conclude that while the Council were tardy in reaching a formal decision on application 14/02767/OUT, and acted in a disjointed way in assessing it, the Council did not act unreasonably in refusing the application given the provisions of the development plan. The costs incurred by the appellant in pursuing the appeal were the normal costs arising when the right of appeal is exercised.

### **Conclusion**

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

*David Murray*

INSPECTOR

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## Appeal Decision

Site visit made on 2 September 2015

**by Mark Dakeyne BA (Hons) MRTPI**

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

**Decision date: 09/09/2015**

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**Appeal Ref: APP/L3245/W/15/3013831**

**Site adjacent to Sunnyfields, Withington, Shrewsbury SY4 4QE**

- 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 Mrs L Stone against the decision of Shropshire Council.
  - The application Ref 14/03171/OUT, dated 14 July 2014, was refused by notice dated 9 October 2014.
  - The development proposed is the construction of two houses plus alterations to vehicular access.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have used the site address from the appeal form as it is more precise. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis.

### Main Issue

3. The main issue is whether the proposal would result in a sustainable pattern of development having regard to the location of the site and the accessibility of services and facilities.

### Reasons

4. The appeal site is on the northern edge of the small village of Withington and comprises a finger of land used as a horse paddock. The site extends out northwards away from a cul-de-sac of houses known as Woodland's Close which was developed in the early 1980's. There is open land on the remaining three sides of the appeal site. Therefore, the well-defined northern physical limits of the village are formed by the rear boundaries of the properties in Woodland's Close hereabouts.
5. The paddock is considerably smaller than the nearby fields, is reasonably well-contained by hedges and hedgerow trees and there is a cottage with its access drive and large garden beyond the eastern boundary. However, despite these particular characteristics the proposal would result in a clear incursion of development into open countryside beyond the settlement and not a natural rounding off. Two detached houses would be considerably more conspicuous and suburban in character than the existing small scale timber stable. The built form would be clearly visible from the public footpath that passes through

- the site near its southern boundary, from a further footpath to the north and from private viewpoints in nearby gardens and dwellings.
6. Withington does not have the status of a defined settlement in the Shrewsbury and Atcham Local Plan. Therefore, the settlement itself and the open land around it are both considered to be 'open countryside' for planning purposes. In such areas new housing is limited by Policy CS5 of the adopted Core Strategy<sup>1</sup> (CS) to that which is needed to house essential rural workers, affordable housing to meet local needs or through conversion of existing buildings. The proposal is for new build open market housing and, therefore, would not be the type of housing that would normally be permitted. Even if the village was one where some housing, such as infill or rounding off, could be permitted as referred to in the Withington Parish Plan the proposal would not fall into these categories of development for the reasons given.
  7. The planning status of the village is unlikely to change when the emerging SAMDev Plan<sup>2</sup> is adopted. The SAMDev, which is currently under examination, has defined community hubs and village clusters to reflect paragraph 55 of the National Planning Policy Framework but Withington is not defined as either a hub or part of a village cluster. Therefore, further market housing in the village would not be supported by the emerging plan even though the Parish Council could opt to promote Withington as part of a cluster in due course. I have not been made aware of any objections to the relevant policy in the SAMDev so some weight albeit not full weight can be attached to it.
  8. Withington is one of a number of small villages between Shrewsbury and Wellington. The settlement has a public house, church, parish room and recreation area. The nearest primary school is in Upton Magna, some 1.5 miles to the west. There are employment sites in the surrounding rural area, including some of significant size. Buses pass through the village linking with Shrewsbury, Wellington, Newport and nearby villages such as Upton Magna but services, although linked to school times, are infrequent and do not run at weekends. The village is accessed via a network of relatively narrow country lanes without street lighting and pavements, albeit with some places where vehicles can pass. Residents of the proposed development, including children, would be highly unlikely to travel to Upton Magna or beyond on foot or by bicycle even though some of the lanes are part of a national cycle route.
  9. Given the limitations of travel by public transport, on foot and by cycle, future occupants of the site would be likely to rely chiefly on the private car to access most essential services and facilities, including education, shopping and employment. That said the Framework recognises that housing can support local services. In this case modest additional custom could arise for the village pub, for example, and other facilities nearby. Moreover, the encouragement for the use of sustainable travel modes needs to be balanced against policies for sustaining the rural economy.
  10. However, overall I conclude that the proposal would not result in a sustainable pattern of development having regard to the location of the site and the accessibility of services and facilities. The proposal would conflict with Policy CS5 of the CS as it would not relate to the types of development that are

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<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy March 2011

<sup>2</sup> Site Allocations and Management of Development Plan

deemed to improve the sustainability of rural communities and it would not maintain the countryside character of the area.

11. The appellant refers to other examples of housing development being allowed in or near to villages. However, the characteristics of each site and settlement are different. Some of the settlements, such as Gobowen and Cross Houses, appear to have been earmarked for housing development either in existing Local Plans and/or as part of the emerging SAMDev. The new residential development in Upton Magna which I saw is much closer to the primary school. Moreover, the position in relation to the 5 year housing supply has changed since some of the decisions were made such that the Council is now able to demonstrate sufficient supply. The SAMDev Plan has also progressed nearer to adoption. The circumstances that applied to the other cases are not directly comparable to those before me.
12. I note that the pond to the north-east of the appeal site supports a small population of Great Crested Newts (GCN). As a result it is likely that the site would form part of the GCN habitat and the development could have an adverse impact on the protected species. There is insufficient information before me on whether there would be a breach of the protection afforded to European Protected Species and the 3 tests that would be considered by the licensing authority<sup>3</sup> but as I am dismissing the appeal for other reasons it is not necessary for me to consider the matter further.
13. The economic and social gains arising from the provision of two new houses, including an affordable housing contribution, would not outweigh the adverse impacts, including those relating to the environmental role of sustainable development such as protecting the natural environment and using resources prudently. The development would not be in accordance with the development plan. Therefore, the proposal would not constitute sustainable development.
14. For the above reasons the appeal should be dismissed.

*Mark Dakeyne*

INSPECTOR

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<sup>3</sup> See Circular 6/2005 – Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system - 16 August 2005

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# Appeal Decision

Site visit made on 2 September 2015

**by Mark Dakeyne BA (Hons) MRTPI**

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

Decision date: 16/09/2015

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**Appeal Ref: APP/L3245/W/15/3039099**

**Land off Preston Gubbals Road, Bomere Heath, Nr Shrewsbury SY4 3PA**

- 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 Mr M and Mrs JC Gould against the decision of Shropshire Council.
  - The application Ref 14/02367/OUT, dated 28 May 2014, was refused by notice dated 24 November 2014.
  - The development proposed is the erection of 12 dwellings with access.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application originally proposed the erection of 30 dwellings but was amended whilst under consideration by the Council to a scheme for 12 dwellings as set out in the header. The Council undertook consultation and determined the application on the basis of the proposal for 12 dwellings. No party would be prejudiced by me making my decision on the 12 dwelling scheme.
3. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis.
4. The appellants have submitted a Unilateral Undertaking dated 10 July 2015 under Section 106 of the Planning Act (S106) dealing with affordable housing. I will refer to the obligation later in this decision.

## Main Issues

5. The main issues are:
  - (i) whether the proposal would result in a sustainable pattern of development;
  - (ii) the effect on the character and appearance of the area; and,
  - (iii) whether the proposal would have a safe pedestrian access.

## Reasons

### *Sustainable Pattern of Development*

6. Bomere Heath is a fairly large village situated several miles to the north of Shrewsbury. It has a reasonable range of facilities reflecting the village size, including a primary school, convenience store, post office, village hall and

- public house. There is a bus service linking the village with Shrewsbury and Oswestry.
7. The development plan anticipates that some additional housing will take place in the village. The Shrewsbury and Atcham Local Plan (LP) defined a settlement boundary for the village. Policy CS4 of the Council's Core Strategy<sup>1</sup> (CS) indicates that development, including market housing, will be allowed in Community Hubs. The emerging SAMDev Plan<sup>2</sup> which is currently subject to examination identifies Bomere Heath as a Community Hub through Policies MD1 and S16.2 (iii). There is nothing to suggest to me that this status will change with the adoption of the SAMDev.
  8. However, the appeal site lies outside the settlement boundary as defined in the LP. As such the proposal would be contrary to Policy HS3 of the LP which limits development to sites wholly within the settlement boundary and to Policy CS5 of the CS which strictly controls new development in the countryside. New housing is limited by Policy CS5 to that which is needed to house essential rural workers, affordable housing to meet local needs or through conversion of existing buildings. The proposal is for new build open market housing and, therefore, would not be the type of housing that would normally be permitted.
  9. Policy HS3 is a 'saved' policy until the SAMDev is adopted. However, the LP had a timeframe of 1989-2006 and Policy HS3 and the related settlement boundaries were based on a housing requirement for the same period and do not reflect the requirements of the CS. Similarly, Policy CS5 of the CS currently relies on the LP settlement limits in determining the extent of open countryside. In these circumstances reduced weight should be attached to Policy HS3 and by inference Policy CS5 and its application to sites on the edge of settlements where development can take place.
  10. The SAMDev, as well as identifying Community Hubs, allocates housing sites, define settlement boundaries and formulates detailed policies to meet the CS strategy and its housing and other requirements. Policy S16.2 (iii) sets a housing guideline for the village of around 50 additional dwellings over the period to 2026. The policy indicates that the housing will be delivered through an allocated housing site on the south side of the village, estimated to provide 30 dwellings, together with infilling, groups of houses and conversions within the development boundary identified by the Policies Map. The proposed Main Modifications to the SAMDev published for consultation in June and July 2015 do not include any changes to Policy S16.2 (iii). The appeal site lies outside the development boundary identified by the Policies Map.
  11. That said Policy MD3 of the SAMDev (Managing Housing Development) is proposed to be modified<sup>3</sup> such that sustainable housing development other than allocated housing sites will be granted planning permission having regard to other policies of the development plan. The proposal is to change the explanation to recognise that windfall development on both brownfield and sustainable greenfield sites is important<sup>4</sup>. However, the policy in its current form indicates that the housing guideline will be a significant consideration, albeit not a ceiling. Proposals which would result in more dwellings than the

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<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy March 2011

<sup>2</sup> Site Allocations and Management of Development Plan

<sup>3</sup> Main Modification MM14

<sup>4</sup> Main Modification MM15



guideline will be considered against a number of criteria but those criteria are also subject to change through MM14.

12. As the Examining Inspector has not published her report and the SAMDev is not yet adopted, Policy MD3 has limited weight. Similarly as Policy S16.2 (iii) has not been adopted it can only be given moderate weight. How the parts of Policy MD3 relating to non-allocated sites and the housing guideline are to be worded in their final form will have implications for how developments in Bomere Heath other than those referred to in S16.2 (iii) will be considered.
13. Taking into account the various policy strands above and the range of facilities available in the village, it is recognised that Bomere Heath can accommodate a modest increase in housing numbers. Such housing would help to sustain local services. The housing allocation and a recent development of 12 affordable homes on Merrington Road are on the village edge, albeit that the allocation is close to the primary school. At the same time significant additional housing in this type of village location would lead to greater provision in less sustainable locations and distort the strategy of the Council. In this respect, taking into account the proposed allocation, the affordable housing scheme and the potential for development within the settlement boundary over the lifetime of the Local Plan, I consider that as things stand the proposal for 12 dwellings would not fit within the strategy for the village and the overall area.
14. I conclude that the proposal would not result in a sustainable pattern of development. There would be conflict with Policy HS3 of the LP and Policy CS5 of the CS. I also consider that the proposal would be at odds with the emerging policies of the SAMDev, notably Policies S16.2 (iii) and MD3. Although none of these policies carry full weight and there are tensions between some aspects of the policies, considering the development plan overall and having regard to the emerging plan, the development would conflict with the land use strategy for the area.

#### *Character and Appearance*

15. The appeal site forms the south-west portion of a field adjacent to the eastern edge of the village. The site is fairly level but then the land rises up further away from the village to the north and east.
16. The development of 12 houses would lead to encroachment of suburban built-form into the countryside. There would be a change to the character and appearance of the site from that of open pasture to a cul-de-sac of modern houses. The intrinsic character of this part of the countryside would be lost.
17. That said the site has no particular special landscape characteristics which distinguish it from many other sites on the edge of this village or other settlements. Moreover, the indicative layout plan shows a hedgerow of native species and hedgerow trees to the site boundary which would provide an appropriate soft edge to the village. This would be in contrast to the mix of fences and vegetation to the rear of Cornfield Close that currently provides a harder village edge. Existing mature trees near the site boundaries would be retained and protected.
18. I conclude that there would be some harm to the character and appearance of the area and conflict with those parts of Policies CS5 and CS6 of the CS that

require development to maintain countryside character and the natural environment.

### *Pedestrian Access*

19. Preston Gubbals Road leads out from the village centre. Although not straight, forward visibility along most of its length is reasonable. The road varies in width but is typically about 5m wide. I noted that there were parked cars at various points along the road when I conducted my site visit so that the width available to vehicles varies. There are pavements and street lighting along the stretch nearest to the crossroads at the centre of the village but otherwise the highway has only narrow verges or no margins at all and no lighting.
20. In view of the above, for much of its length the road is shared by vehicles and pedestrians. That said there are opportunities for pedestrians to stand in the several driveways that open out onto the road. The speed limit is 30 mph but most drivers would be likely to travel more slowly taking into account the nature of the road. I note that the road is used as a 'rat run' and regularly accommodates heavy vehicles. But such vehicle movements are not unusual on roads of this nature. The road has characteristics which are fairly commonplace in a village location.
21. The new access onto Preston Gubbals Road to serve the development would incorporate a 2m wide pavement on its western side up to the boundary of Orchard End. The appellants have also put forward proposals to improve pedestrian access beyond the site boundaries. These include narrow standing zones at various points within the highway and a new stretch of pavement of about 130m which would link with the existing footways close to the village centre. Although Preston Gubbals Road already acts as a pedestrian route, some of the modifications proposed, such as the new pavement, would result in modest improvements to pedestrian safety commensurate with the scale of the development proposed. I see less value in the narrow refuges as they would be less likely to be used and would, in the case of those near the junction with The Common, be close to a bend in the road.
22. Additionally a new footway and cycle path is shown leading from the development north to meet Cornfield Close. This would result in a continuous pedestrian link between the site and the village centre. It would provide an alternative off-road route to the village centre which would be of particular benefit for parents with young children and pushchairs. I recognise that the route would be circuitous for those going to the primary school in the southern part of the village but some other facilities would be closer.
23. Having regard to the above I conclude that the proposal would be provided with safe pedestrian access. The worthwhile improvements could be secured by conditions. There would be compliance with Policy CS6 in this regard as the development would be safe and accessible to all. The pedestrian safety issue is a neutral consideration in the planning balance.

### *Other Issues*

24. The S106 would facilitate a contribution to affordable housing provision in accordance with Policy CS11 of the CS and the relevant Supplementary Planning Document (SPD)<sup>5</sup>. The obligation would meet the policy and legal

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<sup>5</sup> Shropshire Local Development Framework – Type and Affordability of Housing SPD adopted 12 September 2012

tests set out in the National Planning Policy Framework and the Community Infrastructure (CIL) Regulations. This contribution would be a benefit of the scheme, particularly given that the CS target for affordable dwellings from housing developments for Shropshire as a whole is not being met.

25. The provision of housing generally is also a positive factor even though the appellants do not dispute that there is a 5 year supply of housing land taking into account a recent appeal decision<sup>6</sup>. New housing would bring economic and social benefits through providing new homes, increased local spend, construction jobs and CIL contributions. The benefits of the provision of housing is in the context of the Government's policy to significantly boost the supply of housing; the housing figures showing that the supply is only marginally above the 5 year requirement; and that there is a significant challenge for the Council in delivering the total CS housing requirement by 2026. Meeting the requirement appears to be heavily dependent on greenfield windfalls such as the appeal site.
26. Village facilities could be accessed by foot or cycle being less than 10 minutes walk from the site. Some other essential services such as secondary education, weekly convenience shopping and employment could be reached by bus. That said it is likely that a significant number of journeys would be undertaken by private car. However, that would be normal in a village location and would not be a reason in itself to resist the development.
27. The new bell-mouth junction would have acceptable visibility onto the lane. Accident records indicate that Preston Gubbals Road has a good safety record. The additional traffic movements which would result from the development would not have a material impact on the safety or operation of the road network.
28. Surface and foul drainage could be attenuated so that the development would not exacerbate storm water flooding incidents that have occurred in the village. The ecological characteristics of the site have been assessed and taken into account in the proposal.

## **Conclusions**

29. I have weighed the benefits of the scheme, the provision of new homes, including affordable dwellings, against its adverse impacts, notably the creation of an unsustainable pattern of development.
30. Although not clear cut, the economic and social gains arising from the provision of 12 new houses, including some affordable housing, would not outweigh the adverse impacts, including those relating to the environmental role of sustainable development. The development would not be in accordance with the development plan overall. Therefore, the proposal would not constitute sustainable development.
31. For the above reasons the appeal should be dismissed.

*Mark Dakeyne*

INSPECTOR

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<sup>6</sup> Appeal decision ref: APP/L3245/A/14/2228348 dated 19 May 2015

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