



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

Date: Monday, 6 November 2017

Committee:
North Planning Committee

Date: Tuesday, 14 November 2017
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

Roy Aldcroft
Clare Aspinall
Gerald Dakin
Pauline Dee
Rob Gittins
Roger Hughes
Vince Hunt (Vice Chairman)
Mark Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Nicholas Bardsley
Joyce Barrow
Karen Calder
Steve Davenport
Ann Hartley
Simon Jones
Matt Lee
David Minnery
John Price
Brian Williams

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 17th October 2017, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Thursday, 9th November 2017.

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 Coolmoor Farm, Hazles Road, Shawbury, Shropshire, SY4 4HE (17/02987/EIA) (Pages 5 - 30)

Erection of an agricultural building for free range egg production, with associated feed bins, hardstandings and access track

6 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03677/REM) (Pages 31 - 44)

Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces

7 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03678/REM) (Pages 45 - 58)

Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces

8 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03679/REM) (Pages 59 - 72)

Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces

9 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03680/REM)
(Pages 73 - 86)

Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces

10 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03690/REM)
(Pages 87 - 100)

Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces

11 Cefn-Y-Maes, Rhydycroesau, Oswestry, Shropshire, SY10 7JB (17/00887/FUL)
(Pages 101 - 118)

Installation of a temporary access track and upgrade of existing farm entrance, for the purpose of delivery and construction of a proposed renewable energy park

12 The Granary, Shrewsbury Road, Cockshutt, SY12 0JH (17/00157/FUL) (Pages 119 - 128)

Removal of external unsafe granary steps, insertion of 2 new windows and alterations to existing ground floor side window.

13 Land Off Greenfields Lane, Market Drayton, Shropshire (14/03782/OUT) (Pages 129 - 142)

Outline application (access for approval) for the residential development of up to 250 dwellings; to include demolition of existing structures on site; formation of vehicular accesses from the A53 and Hampton Drive

14 Appeals and Appeal Decisions (Pages 143 - 150)

15 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 12th December 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

North Planning Committee

14th November 2017

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 17 October 2017

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 2.42 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Joyce Barrow (substitute for Gerald Dakin), Pauline Dee, Rob Gittins, Roger Hughes, Vince Hunt (Vice Chairman), Mark Jones, Paul Milner and Peggy Mullock

38 Apologies for Absence

Apologies for absence were received from Councillors Clare Aspinall, and Gerald Dakin (substitute: Councillor Joyce Barrow).

39 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 19th September 2017 be approved as a correct record and signed by the Chairman.

40 Public Question Time

There were no public questions, statements or petitions received.

41 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.

42 Lane South Of The Hawthorns, Ellesmere, Shropshire (15/05415/REM)

The Principal Planning Officer introduced the application for the approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to permission 14/00822/OUT for the mixed residential development of 112 dwellings, formation of estate roads and landscaping scheme.

The Chairman invited Helen Howie, Agent for the applicant, to respond to the objections raised by Ellesmere Town Council in relation to the levels of parking

provision. The Agent confirmed that without exception, each dwelling had provision for the parking of two vehicles.

Having considered the submitted plans, Members felt that the development provided a good mix of dwellings, and the design and layout had been carefully considered within the context of the semi-rural character of the area. The Committee also felt that the concerns of the Town Council had been addressed through extensive conditions. Members unanimously expressed their support for the proposals, in accordance with the Planning Officer's recommendation.

RESOLVED:

That Planning Permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 of the Officer's report.

43 Former Squirrel Inn, Drayton Road, Wollerton, Market Drayton, Shropshire (17/03001/FUL)

The Principal Planning Officer introduced the application for the erection of a part single, part two storey extension, a detached single storey storage building and reconfigured driveway. The Principal Planning Officer recommended an additional condition to restrict the use/occupation of the extension and the outbuilding.

Having considered the submitted plans Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That Planning Permission be granted in accordance with the Officer's recommendation, subject to:

- The conditions set out in Appendix 1 of the Officer's report; and
- An additional condition to restrict the use/occupation of the extension and the outbuilding

44 Land Adjacent to Ash Grove, Wem, Shropshire (17/02241/REM)

The Principal Planning Officer introduced the Reserved Matters application pursuant to outline application 14/03268/OUT (all matters reserved) for the erection of five pairs of semi-detached dwellings. Members' attention was drawn to the information contained within the Schedule of Additional letters, which detailed additional conditions recommended by Highways and comments from the Agent.

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

- The local primary school had almost reached capacity, CIL funding was therefore essential;

- Access should not be off Ash Grove, as the road was of poor quality;
- The development was located close to Wem Industrial Estate which could potentially cause noise nuisance to future residents;
- Additional conditions were required to ensure construction traffic wasn't parked on Ash Grove, no construction traffic to travel through Wem town centre and no construction work to take place on Saturdays or Sundays; and
- The loss of trees from the site had been harmful to bats.

Members' attention was also drawn to comments that had been circulated from Councillor Chris Mellings, local ward councillor.

The Principal Planning Officer responded to the concerns raised by the local ward councillors and explained that the proposed access had been assessed by the Council's Highway Consultant who had no objection to the use of Ash Road as the point of access, in relation to the potential for noise nuisance from the nearby Industrial Estate, it was confirmed that the Council's Public Protection Team also had no objections.

Although sympathetic to the concerns raised by local residents, the Parish Council and the local ward councillors, the Committee noted that condition 5 of the outline consent, requiring the applicant to submit a Construction Method Statement, would address many of the concerns raised. Therefore having considered the submitted plans and listened to the comments made by all of the speakers, members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That Planning Permission be granted subject to:

- The conditions set out in Appendix 1, with the deletion of Condition 2: and
- The additional Highways conditions as set out in the Schedule of Additional Letters.

45 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

46 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday, 14th November 2017, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

14th November 2017

Item

5

Public

Development Management Report

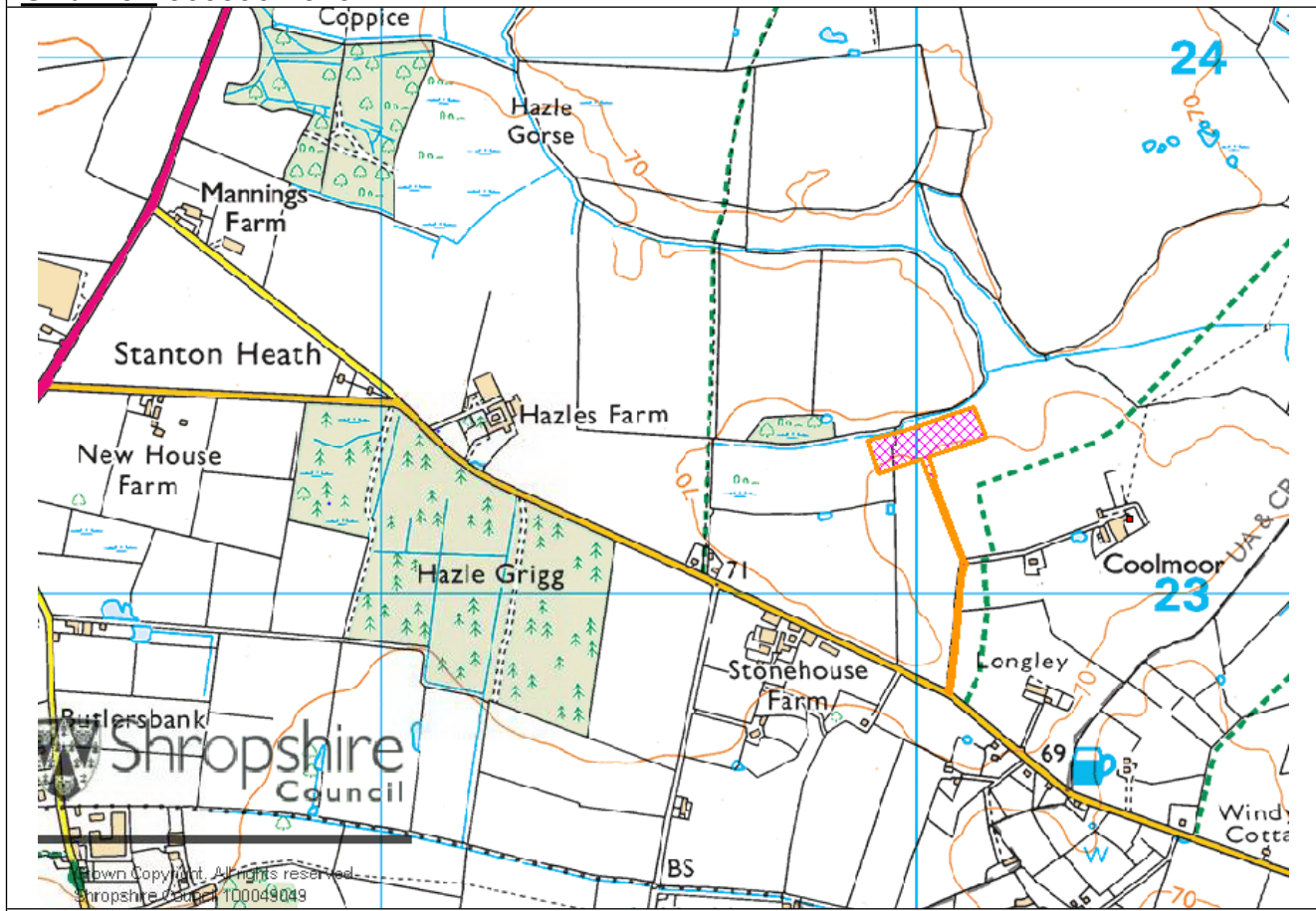
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/02987/EIA	Parish:	Stanton Upon Hine Heath
Proposal: Erection of an agricultural building for free range egg production, with associated feed bins, hardstandings and access track		
Site Address: Coolmoor Farm Hazles Road Shawbury SY4 4HE		
Applicant: Heal Eggs Ltd		
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 360396 - 323141



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REPORT

Recommendation: Approval subject to conditions as attached to appendix one of this report and any modifications considered necessary by the Head of Planning Services.

1.0 THE PROPOSAL

1.1 Application proposes erection of an agricultural building for the housing of up to 64,000 free range egg producing birds, with associated feed bins, hard standings and access track on land forming part of Coolmoor Farm, Hazles Road, Shawbury

1.2 The application is accompanied by a set of proposed elevations and floor plans, block plan, site location plan, landscaping proposals plan, design and access statement and an Environmental Statement which includes a landscape and visual impact assessment, noise assessment, odour assessment, heritage assessment, transportation report, flood risk and drainage report and ecological appraisal. During the application processing period amended plans were received in relation to highway access, heritage impact and further information in relation to ammonia emissions and landscaping proposals.

1.3 The application falls into the remit of the Town and Country Planning (Environmental Impact Assessment), Regulations 2017 Schedule one development, and as such an Environmental Statement is mandatory to accompany any planning application for development on site. The threshold for schedule one development is 60,000 egg laying birds, this application proposes housing for up to 64,000 egg laying birds on site. As such the application was advertised by the Council as development accompanied by an Environmental Statement.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site forms part of a grade 3 (agricultural land classification) field, presently in arable production and is located in open countryside, relatively flat in appearance with native hedgerows and trees located to the rear of the site. The application form indicates the site area as being 2 hectares. Access to the site will be along a private driveway (off the adjacent public highway), which leads to Coolmoor Farm and a dwelling house outside the control of the applicants located on opposite side of the driveway to the application site. This dwelling appears to be one of the nearest dwellings to the application site. It is proposed to construct a stretch of new roadway across the field from this private driveway to the site where it is proposed to construct the egg laying unit.

2.2 The proposed poultry building will cover an area of 168 metres x 31 metres, with an eaves height of 3.5m and a ridge height of 7.59m, together with 4 no. feed bins, a hardstanding for parking and turning, and a new access track linking the development to the existing Coolmoor Farm access road. The proposed building will provide accommodation for 64,000 laying hens.

- 2.3 The building is proposed to be of timber frame construction, with the external cladding being timber weatherboard for the walls. The roof will be polyester coated profile sheeting in slate blue. The building internally will be subdivided into four bird housing sections, together with a central area for egg packing and storage. The central packing area includes an automated egg packer and an egg storage area. The egg conveyors lead from the bird areas link into the egg packer within the central area of the building.
- 2.4 The bird housing areas include a multi-tier system, which includes rows of tiered perches, which are situated over manure belts. The bird areas include automated chain feeders and non drip nipple drinkers. Nest boxes are accessible from the tiered perches. The nest boxes have sloping bases and are situated adjacent to an egg collection conveyor. Following laying, the eggs roll from the nest box onto the conveyor which delivers them to the packing area which is located in the centre of the building. The bird areas include ventilation in the form of high velocity ridge mounted ventilation fans. The ventilation fans are controlled by a computer system which maintains the optimum temperature within the building. Pop holes are situated in the north and south elevations of the building. These pop holes are automatically operated and open at 8am and close at dusk. The pop holes provide the birds with free access to the external ranging area during daylight hours. The external ranging area must extend to a minimum of 1 hectare for every 2000 birds to comply with the RSPCA Freedom Foods requirements. The ranging area for this unit is required to be a minimum of 32 hectares (79 acres).
- 2.5 The application is on behalf of Heal Eggs Ltd (the applicants), who propose an expansion of the existing free range egg production business through the development of an additional building for free range egg production at Coolmoor Farm, Hazles Road, Shawbury, for the housing of the 64,000 free range laying hens. The application site forms part of an agricultural unit on which the applicants operate an existing egg laying complex located to the south west of the site, alongside Hazles Road where up to 64,000 free range laying hens are also retained in two separate egg laying units.
- 2.6 Information in support of the application acknowledges that there are three Ancient Woodlands, one of which is also designated as a Local Wildlife Site and additionally one other local wildlife site within 2 km of Hazels Farm. There is also a Site of Special Scientific Interest (SSSI) within 5 km of Hazels Farm, namely Hodnet Heath SSSI.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The proposal is for schedule one development in accordance with EIA Regulations and therefore Committee consideration is mandatory in accordance with the Council's scheme of delegation.

4.0 **COMMUNITY REPRESENTATIONS**

- 4.1 **Stanton Upon Hine Heath Parish Council** OBJECT to the above application on the following grounds;

Footpaths FP14 and FP2 are very close to this building and the free range fencing area goes across these without any mention in the planning application of any

footpath diversions. It is essential that proper provision is made for these.

As regards the ponds in the area there is no substantive evidence of any assessment being undertaken of wild life in the area or accessing local knowledge of the area. The report provided is self-contradicting and appears to be at odds with local knowledge.

There is no mention of how dead chickens will be dealt with and disposed of from the site.

There is also concern over the potential for odours that may negatively impact on the local residents. In particular, poultry litter and dead birds. Odours will arise from the movement and handling of these materials both on and around the site and removal of them from site. There is no indication on the planning application of any odour management techniques.

4.2 **CONSULTEE COMMENTS**

4.2.1 **The Environment Agency** raises no objections indicating:

Environmental Permitting Regulations: The proposed development will accommodate up to 64,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Coolmoor Farm currently operates under an Environment Permit for its intensive poultry operations and a Permit Variation will be required in consideration of the proposed increase in bird numbers on the site. As stated in the submitted Design and Access Statement the applicant has begun discussions with our Permitting team to achieve this Permit Variation.

For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk

elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via:
<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

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

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

4.2.2 **Natural England NO OBJECTION** - subject to appropriate mitigation being secured.

Natural England has no objection to this planning application with respect to the nationally protected Hodnet Heath Site of Special Scientific Interest. However we consider that without appropriate mitigation the application would have a significant

impact on ancient woodland as stated in the Ammonia Report by AS Modelling and Data dated April 2017.

Natural England has provided Standing Advice for Ancient Woodland and would advise your authority to consider that advice when assessing the impacts of the proposal. We note mitigation is proposed in the report and would recommend you have regard to the Standing Advice as to whether the mitigation is suitable. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures.

- 4.2.3 **Shropshire Fire and Rescue** have responded to the application indicating: 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>
- 4.2.4 **SC Regulatory Services, (Public Protection)**, raises no objections, the response indicating:
Having reviewed the information submitted can confirm that the noise and odour assessments have been considered and I am in agreement with their conclusions which in both cases state there is no likely significant impact predicted. I therefore have no objection to this development. The development will be covered by an environmental permit issued and regulated by the Environment Agency. In line with paragraph 122 of the NPPF I have no conditions to recommend as the environmental permitting regime will control emissions from the site including odour and noise.
- 4.2.5 **SC Land Drainage** raises no objections The response indicating:
The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted. The proposed surface water drainage in the FRA utilizing two infiltration basins are acceptable. However, details and plan on how the contaminated water in the yard from spillages or cleaning of building will be managed/ isolated from the main surface water system should be submitted for approval to ensure that polluted water does not enter the water table or watercourse.
- 4.2.6 **SC Archaeology Manager** raises no objections The response indicates:
The proposed building would be located within two arable fields, c.350m north-west of Coolmoor Farm. The field pattern at this location is thought to have originally been enclosed from an area of woodland and/ or heathland in the 18th or early 19th century. At present, there are no records within the Historic Environment Record that relating to the site itself. However, the Heritage Assessment submitted with the application indicates there are a range of heritage assets within a 1.5km radius of the site; including two find spots of Bronze Age tools c. 1.5km to the north-east (HER PRN 01686 & 01687); a curvilinear cropmark enclosure (HER PRN 04517) of probable prehistoric date c.1.1km to the south-west; and very slight earthwork remains and cropmarks of a possible Iron Age enclosure (HER PRN 01134) c.1.5km to the south-west. On this basis, the Assessment concludes that there is low to moderate potential for archaeological remains of prehistoric and later date to be present on the proposed development.

It is understood that the Council's Conservation Officer will comment on this application in relation to the settings of Listed Buildings. The following advice therefore relates to solely archaeological matters.

We advise that together the Heritage Assessment date June 2017 by Castlering Archaeology provides sufficient information, regarding to archaeological interest of the proposed development site, in relation to the requirements of Paragraph 128 of the NPPF and Policy MD13 of the Local Plan. In particular, we concur with its findings regarding the archaeological potential of the proposed development site.

With regard to the recommendations contained within this Assessment, and in line with Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission. This should comprise an archaeological watching brief to be maintained during all topsoil stripping.

4.2.7 SC Public Rights of Way have responded indicating:

From looking at the attached plans it appears that the Definitive line of FP 14 will run through Range 1 which Officers consider inappropriate, although the footpath is not directly affected by development we would have concerns for the health and safety of walkers walking a route through an area where birds have free access. This being the case Officers would ask that Range 1 be repositioned so avoiding the line of the footpath or the footpath diverted to run outside of the fenced boundary of the range (fees apply).

If a diversion of the footpath is favoured then it is requested that the applicant contacts the Mapping & Enforcement Team to discuss the matter further.

4.2.8 SC Highways Manager has responded to the application indicating:

No Objection – subject to the development being carried out in accordance with the approved plans and the recommended condition and informative note.

The application proposes four free range egg laying units within a single building which is designed to accommodate 64,000 hens. The development is to be served from the current Coolmoor Farm access road onto Hazles Road which connects with the A53 to the west and the A442 to the east (within the administrative area of Telford & Wrekin Council).

The proposal is also stated as being related to previously approved egg production units at Hazles Farm to the west of the current site and some economies of operation and vehicle movement can be assumed from the joint management of the egg production sites and also in terms of the feed mill which is on the A53 in close proximity to both sites. The route for articulated HGV's is stated as being to and from the A53 and north to the A50 under current contracting arrangements, although this could change in the future.

The submitted Transport Note describes the vehicle movements associated with the operation of the proposed unit and is considered to be representative of similar units, with relatively low weekly HGV movements for egg collections and greater peaks of HGV activity at times of restocking, defined as every 60 weeks. The number and frequency of vehicle movements associated with the construction

phase have not been provided.

Section 4 of the Transport Note relates to the site access onto Hazles Road and makes reference to Drawings No's 19211-01 and 19211-01-1. Both the Transport Note and drawings suggest that the existing access can be successfully negotiated by articulated HGV's, however, site observations and measurements revealed that the access width is not available to the extent shown on the drawings between the established hedge boundaries.

A further Access Improvement drawing (No. IP/HE/09) has subsequently been submitted which indicates the widening of the access on the western side and visibility splays appropriate for the current speed limit.

It would appear that this latest drawing is based upon Ordnance Survey mapping and may not take into account the width of the established hedge boundaries. In addition, the articulated HGV swept-path analysis drawings have not been updated to reflect the improved access geometry.

Whilst the principle of both the proposed development and access widening works are acceptable, it is considered that the use of the improved access geometry by articulated HGV's needs to be clearly demonstrated through the submission and approval of further swept-path analysis drawings. Any additional works to the boundary hedge to achieve the western visibility splay will need to be sufficient to safeguard the visibility splay from hedge growth between permitted periods of cutting.

A condition is therefore considered to be appropriate to require submission of the details of the widening of the access and changes to the boundary hedge.

4.2.9 **SC Conservation Manager has responded indicating:**

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Comments made 21.08.17.

Having reviewed the additional information with regard to Heritage it is considered that this has now provided the required information which is required by MD13.

It is acknowledged that the conclusions are the same as those in the original report submitted in support of the application, but now this is demonstrated. It is considered that views to and from a site are not the only way of assessing impact but it is also to understand the setting of heritage assets and what impact there may be as a result of proposed development on the setting and whether indeed the setting contributes to the heritage assets significance.

Taking this perspective it would appear that it has been demonstrated that whilst there are views of High Hatton Hall from certain points these are not reciprocated from the Hall (albeit this evidence is based on ground floor level and not any first or

second floor rooms only) but nevertheless this would appear to be the case. Also, from this point at High Hatton Hall it seems that any views towards the application site were not planned viewed but incidental within the wider rural landscape in this location.

No objection is made from a heritage perspective.

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses – Section 66(1) of the above Act. Full consideration of local and national policies have also been given.

Suggested Conditions:

Materials – colour should be recessive within the landscape.

Landscaping which is sensitive to the wider rural landscape which is prevalent in this location. This is likely to be in the form of an enhancement of existing hedgerows and tree belts, rather than planting of the drive to the site.

SC Planning Ecology have responded indicating:

Has read the above application and the supporting documents including the following;

- Design & Access Statement prepared by Ian Pick Associates Ltd (June 2017)
- Preliminary Ecological Appraisal prepared by Craig Emms (April 2017)
- Report on the Modelling of the Dispersion and Deposition of Ammonia prepared by AS Modelling & Data Ltd (18th April 2017)
- A report of the modelling of the dispersion and deposition of Ammonia from the Existing and Proposed Free Ranged Egg Laying Chicken House prepared by AS Modelling & Data Ltd (21st August 2017).
- A Report on the modelling of the dispersion and deposition of ammonia from the existing and proposed free ranged egg laying chicken house prepared by AS Modelling & Data Ltd (29th September 2017).
- Ecological Mitigation Landscape Specification prepared by Ian Pick Associates Ltd (October 2017).
- Ecological Mitigation Plan prepared by Ian Pick Associates (October 2017).

Recommends conditions and informatives.

Natural England has no objection to this planning application with respect to the nationally protected Hodnet Heath Site of Special Scientific Interest. However they consider that without appropriate mitigation the application would have a significant impact on ancient woodland as stated in the Ammonia Report by AS Modelling and Data dated April 2017.

Detailed Modelling

AS Modelling & Data Ltd has prepared detailed modelling to assess the impact of ammonia emissions from the existing and proposed free range egg laying chicken house at Coolmoor Farm (September 29th 2017). The existing poultry unit consists of 64,000 egg laying chickens. The proposed new poultry house would house an additional 64,000 birds.

There are 3 ancient woodlands, one designated by a LWS, and additionally one other LWS within 2km of Hazel Farm. There is one SSSI within 5km, known as Hodnet Heath SSSI. Ammonia Modelling has been provided, which includes mitigation woodland planting to the north and west of the existing poultry houses as indicated on figure 5 of the AS Modelling & Data Ltd report (September 2017) and the Ecological Mitigation Plan prepared by Ian Pick Associates (October 2017).

Detailed modelling has been submitted and it has concluded, that when deposition processes and consequent plume depletion are considered, the modelling predicts that the process contribution from the existing and proposed poultry units in combination to the annual nitrogen deposition at Manning's Coppice AW would not exceed the EA's upper threshold of the critical load. All sites investigated now screen out below the Environment Agency's thresholds which are considered as having a likely significant effect.

Manning's Coppice Ancient Woodland - Predicted maximum annual mean ammonia concentrations and nitrogen deposition at the discrete receptors – detailed modelling;

Receptor Number	X(m)	Y(m)	Designation	Maximum Annual Mean Ammonia Concentration. Process Contribution as a Percentage of the Critical Load	Maximum Annual Nitrogen Deposition rate. Process Contribution as a Percentage of the Critical Load
1	359023	323702	Manning's Coppice AW	37.1	86.8
2	358888	323743	Manning's Coppice AW	15.4	35.9
3	359101	324002	Manning's Coppice AW	13.5	31.5

Based on the above detailed modelling and proposed woodland planting mitigation SC Ecology would recommend a planning condition on a decision notice to require additional woodland planting (please note SC Ecology has given a minimum 3.5 Hectare for mitigation woodland planting, as the submitted plans currently do not specify an area although this had been requested);

Ecological Report

Recommendations which have been proposed by Craig Emms (April 2017) should be adhered to in order to enhance the site for biodiversity. This includes the installation of four bird nesting boxes of mixed designs, and four bat roosting boxes of mixed designs, to be erected in the hedgerow trees and on other parts of the farm. Recommends conditions and informatives to deal with these matters.

4.3 PUBLIC COMMENTS

Nine letters of objection/comment have been received from members of the public at the time of writing this report. Key issues raised can be summarised as follows:

- Concerns about impact of the proposal on the adjoining public highway
- Concerns with regards to impacts on surrounding residential amenity as a result of an increase in vehicle movements
- Cumulative impacts in relation to surrounding intensive poultry units
- Odour and noise issues
- Reassurance required that the public footpaths that crosses the site will be unaffected by the proposed development. The route of these paths must be maintained or alternative provision made by an official approved diversion.

5.0 THE MAIN ISSUES

- Environmental Impact Assessment
- Planning policy and principle of development
- Siting, scale and design of structures and visual landscape impact
- Residential amenity
- Public highway access
- Drainage
- Ecological issues.

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (came into force on 16th May 2017 replacing the 2011 Regulations), specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of egg laying birds is 60,000 or more. As such the current proposal is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2017 Regulations.

6.1.2 The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in Chapter 4 of the Environmental Statement, to which detail indicates that choice of location was largely down to the requirement in accordance with current legislation to provide adequate ranging areas for birds retained on site. Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc.

6.2 Planning policy and principle of development

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

6.2.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including agricultural related development. It states that proposals for

large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.2.3 SAMDev Policy MD7b indicates planning applications for agricultural development will be permitted where it can be demonstrated that the development is of a size/ scale and type which is consistent with its required agricultural purposes and the nature of the agricultural enterprise, well designed and located and, where possible, sited so that it is functionally and physically closely related to existing farm buildings, with no unacceptable impacts on environmental quality and existing residential amenity.

6.2.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy, and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a new poultry unit in this location, as an extension of acceptable scale to the existing poultry enterprise, can be supported. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 **Siting, scale and design of structures and visual landscape impact.**

6.3.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy MD12 of the SAMDev also puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration. It is noted that the site is not located within an area designated for landscape value.

6.3.2 The application proposes one egg laying unit measuring 168 metres x 31 metres with an eaves height of 3.5 metres and a ridge height of 7.59 metres along with four associated feed bins, turning area, attenuation pond and highway access for the housing of up to 64,000 egg laying hens on land north west of Coolmoor Farm. The building is of timber frame construction, with the external cladding being timber weatherboard for the walls. The roof is indicated as polyester coated profile sheeting in slate blue. The building is subdivided into four bird housing sections, together with a central area for egg packing and storage. The central packing area includes an automated egg packer and an egg storage area. The egg conveyors lead from the bird areas link into the egg packer within the central area of the building.

- 6.3.3 The site is relatively open arable grade 3 farm land, to which it is acknowledged that development as proposed will have a visual impact. A landscape and visual impact assessment submitted in support of the application concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have a medium landscape character sensitivity and the magnitude of change is small. Therefore resulting in a significance of landscape effect of minor i.e. not significant. Consideration has been given to the majority of receptors in the local area which are considered high, (users of PROW). The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate. i.e. significant, from a viewpoint close to the site boundary. The application proposes mitigation measures such as :
- Native tree and hedgerow planting to the site boundaries;
 - Management and maintenance of existing surrounding hedgerow and trees;
 - The use of materials for the external envelope of the buildings which minimise potential visual intrusion.
- 6.3.4 With suitable mitigation measures, the development will have a moderate visual impact considered not significant. It is acknowledged that there will be an increase of delivery vehicles and people travelling to the works and in particular during construction on site.
- 6.3.5 On balance Officers share the conclusions in relation to landscape and visual impact and with consideration to the economic benefits of the proposal consider the development acceptable in relation to landscape and visual impact.
- 6.3.6 Whilst it is acknowledged that intensive poultry units can have a significant impact on the landscape character as well as a visual impact, consideration also has to be given to the economic benefits.
- 6.3.7 Paragraph 129 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3.8 Policies CS6 and CS17 of the Shropshire Core Strategy emphasise the need to protect and enhance Shropshire's historic assets. Policy MD13 of the SAMDev emphasising the requirement wherever possible that proposals should avoid harm or loss of significance to designated or non designated heritage assets and this includes consideration to their settings.
- 6.3.9 A heritage impact assessment has been submitted as part of the application to which Officers share the conclusion of the report in principle, in that there will be no significant impact on either designated or non designated heritage assets within or adjacent to the proposed development site. The development would not cause any

direct physical impact on known heritage assets and allowing for appropriate mitigation, the proposed development will have no permanent adverse residual effect on the cultural heritage of the application site and its environs.

- 6.3.10 The nearest heritage asset is Coolmoor Farm itself, (undesigned), of which the application site and proposed range fields are already a part of. Coolmoor Farm, together with other nearby undesigned heritage assets, sit within a rural landscape, surrounded on all sides by agricultural land and buildings associated with agriculture. The assets are agricultural in nature and the continued development of agricultural practices which require changes in the building stock is a part of their history. It is considered that due to their origins the impact of proposed development on their setting will be negligible. Any potential short-term visual impact on the agricultural landscape as a whole would be negated by the proposed mitigation strategy in respect of landscaping.
- 6.3.11 The nearest heritage asset is the Grade II* listed 18th century High Hatton Hall, to which there is no inter-visibility between the Hall complex and the site of the proposed free range egg unit, due principally to the local topography and the band of trees that line an adjacent stream. It is acknowledged that there will be view points from the nearby footpath where both the proposed development will be viewed from, as well as the setting of the grade II* listed building and its grounds, however this is considered limited and seasonal and will be further mitigated by additional native planting.
- 6.3.12 On balance whilst it is appreciated that the development is relatively large in scale, and whilst comments from members of the public with regards to industrialization of the countryside are noted, the proposal in relationship to landscape and visual impact as well as historic character impacts and settings is considered acceptable with conditions attached. The proposal has taken into consideration the landscape character topography and setting being one of large open arable fields with significant tree cover in the surrounding distances from the site, overall in accordance with Policies CS5 and CS17 of the Core Strategy, Policies MD1, MD12 and MD13 of the SAMDev and the relevant sections of the NPPF, which includes the section on Conserving and enhancing the historic environment and the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4 **Residential amenity.**
- 6.4.1 The proposed development indicates the total number of birds on site as 64,000. As such the site will be regulated in accordance with the Environmental Permitting (EP), (England and Wales) Regulations (EPR) 2010 and as such the site requires a permit to be issued and monitored by the Environment Agency. The usual legislation in relationship to these matters as applied by the Council's Public Protection is of course still relevant.
- 6.4.2 The closest residences to the proposed poultry house are Little Coolmoor, which is 240 metres to the south-south-east and the farmhouse at Coolmoor Farm (in the control of the applicant), which is 290 metres to the south-east. There are four other dwellings within 400 metres of the site of the proposed poultry house: 1 & 2 New Cottages and Hazels View which are approximately 370 metres to the south-west and Stonehouse Farm, approximately 355 metres to the south-south-west. There

are a number of other dwellings within 1km of the site.

6.4.3 Odour emission rates from the proposed poultry house have been assessed and quantified based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates of the poultry house. The odour emission rates so obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area. The modelling predicts that, at all nearby residences and commercial properties, the predicted 98th percentile odour concentrations would be below the Environment Agency's benchmark for moderately offensive odours, a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³. This is considered to be an acceptable level in relation to Environment Agency guidelines in relation to amenity issues, and as such the Council's Public Protection Manager raises no objections on this matter.

6.4.4 The applicants have also submitted, in support of their application, a noise assessment which has considered background noise in relationship to vehicle movements and extract fan noise on the chicken unit. This assessment concludes that there will be no adverse noise impacts in relationship to residential amenity issues to any dwellings outside of the applicant's control. As such the proposal is considered acceptable on noise and dust issues with a condition attached to any approval notice issued with regards to hours of deliveries of feed to the site and its transportation on site from HGV to silo can be a noisy task. Whilst it is appreciated that the noise report in support of the application confirms that noise impact will be low and below the existing ambient environmental noise levels, this condition is recommended owing to background noise in this location considered very low and transportation of feed deliveries to the site as well as their unloading can be a noisy exercise. (The nearest dwelling, Little Coolmoor, which is 240 metres to the south-east near to the entrance roadway to the site). Controls in relation to poultry deliveries is not considered necessary in relation to egg laying on site.

6.5 **Manure management, disposal and storage.**

6.5.1 The proposed buildings are based on a manure belt system, which are situated beneath the perches. The manure drops directly onto the manure belts and is removed from the building. The manure belts deposit the manure onto an agricultural elevator which is emptied into an agricultural trailer. Manure would be removed from the poultry house twice weekly and taken from the site by tractor and trailer to Espley Farm, Hopton approximately 4.5km north of the site.

6.5.2 Any trailer removing the manure is to be sheeted and the manure removed from the site. Poultry manure is considered a valuable agricultural fertiliser and there is high demand from the arable farming industry. Spreading manure provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. The storage and spreading of farmyard manure is controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for non-compliance.

6.5.3 The legal process for the transfer of the waste from the site will require the applicant to record the dates and quantities of manure exported and the name

address and farm holding number of the recipient farm. Once the manure reaches the recipient farm, the legal duty of compliance with the Nitrate Pollution Prevention Regulations 2015 passes to the recipient. The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015 and the application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. The regular removal of the manure removes the potential breeding medium for flies. Essentially, using a manure belt system removes the potential for fly issues.

- 6.5.4 In accordance with the Environmental Permitting Regime, the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.
- 6.5.5 It is noted that neither the Environment Agency or the Council's Public Protection (Regulatory Services) Manager raises any issues of concern on these matters and this includes reference to potential fly problems. Officers consider information in support of the application on these issues to be acceptable with consideration to the required processing as discussed above.
- 6.5.6 It is recommended that a condition is attached to any approval notice if members are mindful to approve the application, in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered trailers. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.
- 6.5.7 On balance the proposal is considered acceptable in relation to surrounding residential amenity issues. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relation to residential amenity and public protection.
- 6.6 **Public highway and transportation issues.**
- 6.6.1 Access into and out of the site is proposed along the current Coolmoor Farm access road onto Hazles Road, which connects with the A53 to the west and the A442 to the east. The proposal will be related to an existing egg production unit at Hazels Farm situated to the west of the application site and some economies of operation and vehicle movement can be assumed from the joint management of the egg production sites and also in terms of a feed mill which is in close proximity to the sites alongside the A53. The route for articulated HGV's is stated as being to and from the A53 and north to the A50 under current contracting arrangements, although it is appreciated that this could change in the future.
- 6.6.2 As indicated earlier in this report the proposal include provision for four free range

egg laying units housing 64,000 hens operating on a 60 week period with 14 days at the end for cleaning and turnaround for the next arrival of birds. The majority of the vehicle movements generated by the proposals will be associated with egg collection and feed delivery. The following vehicle movements would be generated by the poultry building:

- Bird Feed - twice weekly by articulated lorry (four movements)
- Egg Collection - twice weekly by articulated lorry (four movements)
- Delivery of Hens - during week 1 undertaken by articulated lorries - eight Lorries, (16 movements).
- Collection of hens - during week 60 undertaken by articulated lorries - eight lorries (16 movements)
- Staff Movements - three cars per day (6 movements)
- Manure Removal - twice weekly undertaken by tractor and trailer - (four movements)

(N.B. 2 movements equates to one vehicle, one movement in, one movement out).

- 6.6.3 The eggs are contracted to L J Fairburn and Sons at Alford in Lincolnshire. The proposed routing is from the site along Hazles Road turning right onto the A53 then heading north-east to the A50 at Newcastle under Lyme. The egg lorry currently visits the applicants existing unit on the neighbouring Hazels Farm which is approximately 750 metres to the west of the proposed development. Therefore the egg lorry will travel an additional 750 metres east along Hazles Road from the Hazels Farm egging laying unit to the proposed egg laying unit at Coolmoor Farm.
- 6.6.4 All feed will be transported from the applicants feed mill at Hazeldene located on the A53, approximately 200 metres south of the Hazles Road junction. All manure from the site will be exported by tractor and trailer twice weekly to Espley Farm, Hopton approximately 4.5km north of the site. Tractors and trailers would route along Hazles Road turning right onto the A53 heading north to the farm.
- 6.6.5 The site is served from an existing access to Coolmoor Farm from Hazles Road. The existing access has been subject to a swept path tracking to demonstrate that a 16.5 metre articulated lorry can manoeuvre into and out of the site.
- 6.6.6 In conclusion on vehicle movements the development proposals will generate four HGV visits (eight movements), two tractor and trailers (4 movements) and 21 cars (42 movements) per week. Given the nature of the operations, movements are concentrated around certain activities during the cycle. There will be periods when the site will not generate any commercial vehicle movements, such as the turnaround period at the end of the flock cycle. Birds will be delivered during a one week period at the beginning of the cycle and collected during a one week period at the end of the cycle. Manure will be emptied twice a week and transported by tractor and trailer movements. At the end of the cycle, buildings will be cleaned out ready for the next delivery of birds.
- 6.6.7 Movements outside of the peak periods - Given the nature of the proposals and likely movements of the traffic generated by the proposals, the movements will be outside of the normally accepted peak hours. HGV's associated with the population and depopulation of the birds will likely be outside the peak hours when there is expected to be less traffic on the highway.

- 6.6.8 The vehicle movements associated with the operation of the proposed unit are considered to be representative of similar units, with relatively low weekly HGV movements for egg collections and greater peaks of HGV activity at times of restocking, defined as every 60 weeks. The number and frequency of vehicle movements associated with the construction phase have not been provided.
- 6.6.9 Section 4 of the transport statement relates to the site access onto Hazles Road and makes reference to Drawings No's 19211-01 and 19211-01-1. Both the Transport statement and drawings suggest that the existing access can be successfully negotiated by articulated HGV's, however, Highway Officer initial site observations and measurements revealed that the access width is not available to the extent shown on the drawings between the established hedge boundaries.
- 6.6.10 As a consequence a further access improvement drawing (No. IP/HE/09) was submitted which indicates the widening of the access on the western side and visibility splays appropriate for the current speed limit. The articulated HGV swept-path analysis drawings do not appear to have been updated to reflect the improved access geometry.
- 6.6.11 Whilst the Council's Highways Manager considers the principle of both the proposed development and access widening works as acceptable, it is considered that the use of the improved access geometry by articulated HGV's needs to be clearly demonstrated. Any additional works to the boundary hedge to achieve the western visibility splay will need to be sufficient to safeguard the visibility splay from hedge growth between permitted periods of cutting.
- 6.6.12 As such the proposal is on balance considered acceptable on public highway and transportation matters with the inclusion of a condition in relation to:
(i) The widening of the existing access and western junction radius, supported by articulated HGV swept-path analysis drawings, with the full width required to accommodate articulated HGV access provided and surfaced in a bound material for a minimum distance of 20 metres from the Hazles Road carriageway edge,
(ii) Any changes to the boundary hedgerow on the western side of the improved access necessary to provide at least 1 metre of clearance to the western visibility splay indicated on Drawing No. IP/HE/09
These access works will need to be fully implemented in accordance with the approved details prior to the commencement of any part of the construction of the free range egg production building.
- 6.6.13 Overall, with consideration to the highway junction improvements as discussed above and with consideration also to impacts on roadside vegetation and verges, and the overall planning gain of such improvements and vehicle movements as indicated by the applicants which includes consideration to HGV movements and the response from the SC Highways Manager, it is considered on balance that the proposed development is acceptable in relation to highway and transportation issues and overall in accordance with relevant local plan policies and the NPPF on highway and transportation matters.
- 6.7 **Drainage**
- 6.7.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application

site is in flood zone 1 in accordance with the EA flood risk data maps, (lowest risk). The application is accompanied by a drainage and water management assessment and its comments and conclusions are noted and have been considered as part of the consideration to this application.

6.7.2 In this case no objections have been raised by the Environment Agency or the Council's Drainage Manager, as it is noted that a sustainable drainage system can be installed on site in connection to the proposed development. Reference to this via the attachment of conditions in relationship to a surface water drainage strategy and drainage can be included on any planning permission if granted. These also make provision for contaminated water processing.

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

6.8 **Ecology.**

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

6.8.2 The application is accompanied by an Ecological assessment and its conclusions along with further ammonia mitigation measure as put forward by the application are considered satisfactory. It is noted that Natural England consider issues in relation to ammonia levels and ancient woodland in this instance to be acceptable subject to further mitigation on this matter being subject to condition to any approval notice subsequently issued.

6.8.3 As a result of SC Planning Ecology concerns in relation to a recent High Court judgement in connection to in-combination assessments of air quality impacts and consequentially ammonia emissions, the applicants submitted in support of their application detail on impact of ammonia emissions from the existing and proposed free range egg laying chicken house connected to Coolmoor Farm (September 29th 2017). The existing poultry unit consists of 64,000 chickens. The proposed new poultry house would house an additional 64,000 birds.

6.8.4 There are 3 ancient woodlands, one designated by a Local Wildlife Site, (LWS), and additionally one other LWS within 2km of Hazel Farm. There is one Site of Special Scientific Interest, (SSSI) within 5km, known as Hodnet Heath SSSI. Ammonia Modelling has been provided, which includes mitigation woodland planting to the north and west of the existing poultry houses as indicated on figure 5 of the AS Modelling & Data Ltd report (September 2017) and the Ecological Mitigation Plan prepared by Ian Pick Associates (October 2017).

6.8.5 Detailed modelling has been submitted and it has been concluded, that when deposition processes and consequent plume depletion are considered, the modelling predicts that the process contribution from the existing and proposed poultry units, in-combination to the annual nitrogen deposition at Manning's Coppice, AW would not exceed the EA's upper threshold of the critical load. All

sites investigated now screen out below the Environment Agency's thresholds.

6.8.6 Based on the detailed modelling and proposed woodland planting mitigation SC Ecology have recommended planning conditions on a decision notice (SC Ecology has given a minimum 3.5 Hectare for mitigation woodland planting, as the submitted plans currently do not specify an area although this had been requested) as well as standard conditions in relation to bird and bat boxes and external lighting in consideration of potential bat habitat'.

6.8.7 As such SC Planning Ecologist raises no objections recommending conditions as discussed above and informatives' to be attached to any approval notice issued, and with these in place the proposed development is considered to be in accordance with Policy CS17 of the Shropshire Core Strategy, the Council's SAMDev and the NPPF on matters in relationship to ecological issues.

6.9 **Other matters.**

6.9.1 The Local Parish Council have raised objections in relation to impact on a public footpath that crosses through part of the application site. This matter will be addressed by means of an application to divert the footpath in order to avoid the footpath passing through the site's ranging area.. The applicant has confirmed that if planning permission is granted, the development will be implemented in 2 phases. The first phase will be 32000 birds, in the western section of the building, together with the central packing area and that once the footpath diversion has been approved, the eastern section of the building will be erected. (Building is designed in four sections). It is noted that the Council's Public Rights of Way Manager raises no objections requesting in the event of a diversion of the footpath that the applicant contacts the Mapping & Enforcement Team to discuss the matter further. It is considered that this matter can be addressed satisfactory by attachment of a condition to any approval notice issued in order to ensure the footpath is diverted in a satisfactory manner.

6.9.2 Issues as raised by members of the public with regards to residential amenity and public highway access issues and cumulative impacts are considered acceptable having been adequately addressed in information in support of the application and /or discussed above.

7.0 **CONCLUSION**

7.1 The proposal is for one large egg laying unit, four feed silos, new access road and supporting infrastructure on a greenfield site for the housing of up to 64,000 egg laying birds in total on site.

7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the landscape. However it is considered that the proposed development, with consideration to the surrounding landscape character, topography and field layout, with further landscape mitigation, can be successfully integrated into the surrounding landscape. Consideration has also been given to impacts on the historic landscape which includes the setting of designated and non designated heritage assets. Therefore on balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact. Also the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native

planting and the external colour of the development, is on balance is acceptable in principle.

7.3 Public highway access and transportation issues have also been carefully considered and with the proposed highway access improvements as offered by the applicant, the application on highway and transportation matters is considered acceptable and as such the comments as made by the Highways Manager in this instance are considered acceptable.

7.4 Residential amenity issues are considered acceptable and matters in relation to on site issues in relation to amenity are subject to the Environment Agency's permitting regime. It is acknowledged that the application has generated comments from members of the public and the Local Parish Council and in particular in relation to a public footpath that crosses part of the site. However this matter can be adequately addressed as discussed in the report.

7.5 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable.

7.6 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of approval subject to conditions as attached as appendix one to this report.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **Background**

Relevant Planning Policies

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS13 - Economic Development, Enterprise and Employment
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 MD13 – Historic Environment.
 National Planning Policy Framework

Relevant planning history:

NS/04/00299/FUL Erection of single storey extension to front elevation and second storey extension to rear elevation of existing dwelling CONAPP 12th May 2004
 NS/08/00279/FUL Erection of two storey extension to side of existing dwelling CONAPP 31st March 2008
 NS/08/00919/FUL Erection of first floor extension CONAPP 21st July 2008
 11/00658/FUL Renewal of extant Planning Permission Ref: 08/00279 for the erection of two storey extension to side of existing dwelling GRANT 7th April 2011

11/00659/FUL Renewal of extant Planning Permission Ref: 08/00919 for the erection of first floor extension GRANT 7th April 2011

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Karen Calder

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development 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

4. A scheme of landscaping must be submitted to and approved in writing by the local planning authority, prior to any development on site. Works shall be carried out as approved. The submitted scheme shall include:

- a) Means of enclosure, including all security and other fencing
- b) Hard surfacing materials
- c) Planting plans, including wildlife habitat and features (e.g. bat and bird boxes)
- d) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- e) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- f) Details of trees and hedgerows to be retained and measures to protect these from damage and during and after construction works, along with enhancement proposals to ensure their future well being.
- g) Implementation timetables
- h) Any species lost within five years after planting will be replaced with similar species of similar variety and size.

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

5. No development shall take place until details have been submitted to, and approved in writing by, the Local Planning Authority showing: -

(i) The widening of the existing access and western junction radius, supported by articulated HGV swept-path analysis drawings, with the full width required to accommodate articulated HGV access provided and surfaced in a bound material for a minimum distance of 20 metres from the Hazles Road carriageway edge,

(ii) Any changes to the boundary hedgerow on the western side of the improved access necessary to provide at least 1 metre of clearance to the western visibility splay indicated on Drawing No. IP/HE/09

The access works shall be fully implemented in accordance with the approved details prior to the commencement of any part of the construction of the free range egg production building.

Reason: In the interests of Highway safety and to ensure a satisfactory means of access to the highway.

6. Prior to any development on site full details of a sustainable drainage scheme will be submitted to the Local Planning Authority and approved in writing. Detail will include how the contaminated water in the yard from spillages or cleaning of building will be managed/ isolated from the main surface water system.

Reason: To ensure that polluted water does not enter the water table or watercourse

7. Prior to any development on site full details will be submitted to the Local Planning Authority and approved in writing with regards to diversion of the public footpath that crosses part of the application site. Detail with regards to the diversion and procedures will first be discussed and approved with the Council's Mapping & Enforcement Team.

Reason: In order to ensure that an adequate public footpath is maintained and that no obstruction occurs in relation to the footpath at any time.

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

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

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

9. The development hereby permitted shall not be occupied until woodland planting covering a minimum area of 3.5 hectares has been completed in accordance with the Planting Matrix shown on the Ecological Mitigation Plan prepared by Ian Pick Associates Ltd (October 2017). An appropriately qualified and experienced Ecologist shall be appointed to ensure that the Ammonia Mitigation Strategy has been completed. The Ecologist shall provide brief notification to the Local Planning Authority. Only when the LPA has confirmed that the mitigation planting has been completed sufficiently, can the buildings be occupied.

Reason: To demonstrate compliance with the Ecological Mitigation Plan prepared by Ian Pick Associates (October 2017) to ensure the protection of Manning's Coppice Ancient Woodland,

to protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

10. Prior to first use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

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

11. Prior to first use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

12. Notwithstanding the approved plans all building development on site, (including all the feed silo's), are to be all externally in accordance with colour code BS12B29, (juniper green) or other dark blue colour agreed in writing with the Local Planning Authority prior to any development on site.

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

13. (a) The number of birds kept at the intensive poultry complex as a whole within the poultry rearing building hereby approved shall not exceed 64,000 birds at any time. (In accordance with detail as set out in the information submitted in support of the application).
(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: In consideration of the amenity and biodiversity of the surrounding area.

14. All manure removed off site will be done so in sealed and contained trailers.

Reason: In consideration of surrounding amenity.

15. No feedingstuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity.



Committee and Date

North Planning Committee

14th November 2017

Item

6

Public

Development Management Report

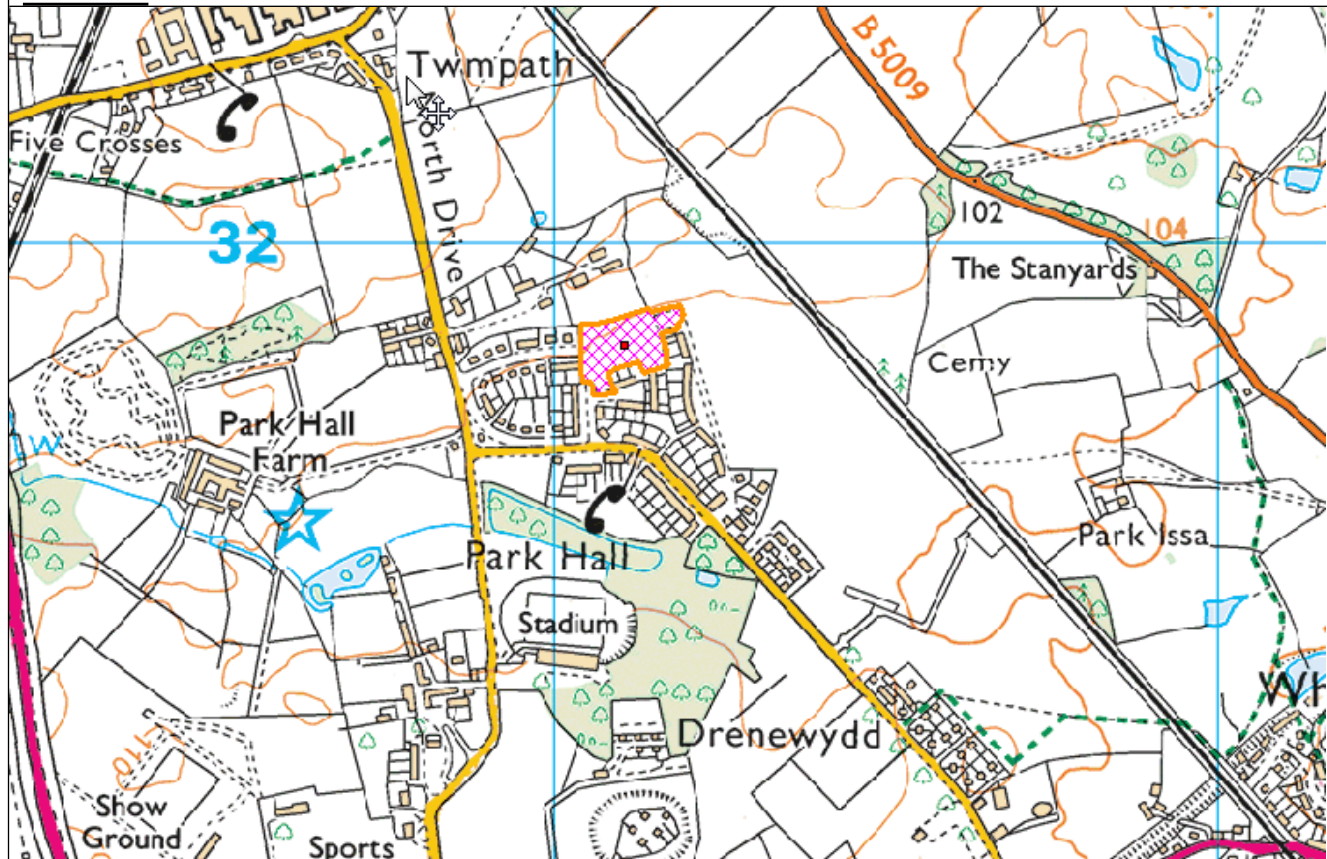
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/03677/REM	Parish: Whittington
Proposal: Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces	
Site Address: Land West Of Artillery Road Park Hall Oswestry Shropshire	
Applicant: Chartland Homes	
Case Officer: Karen Townend	email: planningdmne@shropshire.gov.uk

Grid Ref: 331104 - 331848



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REPORT

RECOMMENDATION: That, subject to no objections from the Council Highway Officer, that planning permission be granted subject to the conditions set out in appendix 1 and any other conditions recommended by the Highway Officer.

1.0 THE PROPOSAL

- 1.1 This application is one of five applications submitted for approval of reserved matters of access, layout, scale, appearance and landscaping of the site off Artillery Road, Park Hall. Outline planning permission was granted for residential development on this site on the 27th August 2014, subject to a legal agreement to secure affordable housing. All matters were reserved for later approval; only the principle of developing the site for housing was approved at that time.
- 1.2 This application is named as phase 1 of the development, for plots 1-4 (4 dwellings). The application has been submitted with full plans and supporting information to seek to deal with the matters reserved on the outline consent. There are four other planning applications, submitted concurrently, which propose the other phases of the development of the site granted at outline. The whole scheme has been amended since first submission when the proposal was for 30 dwellings. In total the five applications, as amended, now propose 27 dwellings on the site area, as approved at the outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application is part of the original outline site of 1.18 hectares and was previously used as grazing land. Existing residential development lies to three sides of the site which were previously accommodation associated with the former Park Hall Military camp in the 1940' and 50's.
- 2.2 The site lies to the east of the detached dwellings on Park Crescent which are positioned in sizeable gardens, to the north of the semi-detached houses on St Barbaras Place and to the west of the terraced houses on Artillery Road. To the north is a band of trees and hedges beyond which is a separate agricultural field lying between the site and an industrial site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council comments are contrary to the Officer recommendation and the Local Member has requested that the application be considered by committee. This was discussed with the Chair and Vice Chair of the Planning Committee who agreed that, given the level of objection received, the subjective matters of design and layout and the complexity of 5 reserved matters applications on the one outline site, the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – 30.10.17 – Whittington Parish Council discussed the amendments at a recent meeting. There is little change to the original plans and the Council is concerned that the reduction from 30 to 27 houses does not come near the maximum of 23 houses that was originally stated.

The Council are concerned that this has been broken up into 5 applications when they feel this is only 1 site that should have had 1 application not 5.

The Parish Council believe that the developers should meet with the residents of Park Hall to discuss the many concerns relating to these planning applications.

07.09.17 – There has been a great deal of concern relating to the submission of 5 separate applications, the original outline application was for 23 properties, these applications are for a third more now, 30 properties.

The mix of the proposed build is not in keeping with the existing area.

There is the issue of safety concern relating to the increase of traffic in an area already extremely busy traffic-wise and the infrastructure should be considered before any application is approved.

- 4.1.2 **Affordable Housing** – We note that the affordable dwellings are shown as plot numbers 25-27 as these are shown in phase 5 we need confirmation as to the timing of this phase as the S106 states that the affordable units must be transferred at the 50% occupation stage of the scheme, obviously if the affordable units are built out in the last phase this trigger point will not be met.
- 4.1.3 **Learning and Skills** – Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast it will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.
- 4.1.4 **Highways** – Awaiting final response.
- 4.1.5 **Ecology** – SC Ecology welcomes the retention of trees along the western boundary, and the additional native tree planting.

SC Ecology has no additional comments to make on this REM application providing the conditions on planning application 13/01643/OUT are adhered to, and a discharge of condition application is received as appropriate prior to first occupation of the dwellings.

- 4.1.6 **Drainage** – The drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM.

4.2 **Public Comments**

- 4.2.1 Site notices were erected for all five applications and 23 neighbouring properties directly consulted. As a result of this consultation 79 objections have been received raising the following concerns:

- Should not have been submitted as five separate applications
- SAMDev allocates the site for 20 houses, outline consent was for 23
- Contrary to Government Inspector's report/ decision

- Overdevelopment of the cluster with the other developments at Burma Road (4), The Piggeries (44) and Wingate Way (18)
- Park Hall has no services or facilities
- Insufficient infrastructure
- Insufficient water pressure
- Over development of the site
- Too many houses proposed
- Park Crescent are all detached houses, proposal is out of keeping
- Does not respect character or heritage of Park Hall Camp
- Park Crescent mainly rendered, proposal is mainly brick
- Courtyard housing not in keeping
- Roofs not orientated north/south so will not be able to use solar panels
- Amenity space should be relocated to be accessible to existing residents
- Overlooking of existing properties
- Too many houses proposed off Park Crescent, should be distributed across the other accesses
- Junction of Park Crescent to Burma Road is dangerous
- Junction of Park Crescent and North Drive has poor visibility and an incline
- Existing speeding issues
- No street lighting in area is a safety issue
- Will increase traffic
- No improvements to pedestrian or cycle links to Oswestry, including crossing the bypass
- Impact on bats and newts
- Increase flooding, especially on Burma Road
- Insufficient capacity in foul drainage system & Severn Trent not consulted

4.2.2 Following receipt of amended plans further objections have been received many repeating the comments above. Additional comments include:

- No need for more houses, Shropshire has at least for 5-6 years
- Reduction by 3 houses is not sufficient
- Will alter the character of the area to an estate
- Build out will increase loss of privacy to residents
- Traffic calming bollards are in the wrong location
- Should be speed humps not bollards as traffic speeds up to get around bollard
- Road is not wide enough for build out
- Build out will affect manoeuvring at adjacent house
- Proportion of houses accessed off Park Crescent is still unacceptable
- Applicant not willing to meet local residents
- Will reduce property value

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpaths
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The granting of the outline planning consent has accepted the principle of housing development on this site. All matters were reserved at the outline stage and as such are now submitted for consideration. The site is also allocated within the SAMDev as the single allocation for Park Hall which is within the cluster of Park Hall, Hindford, Babbinswood and Lower Frankton. Policy S14.2(ix) advises that the cluster will provide for future housing growth of around 50 dwellings delivered through a specific site allocation at Park Hall for 20 dwellings (the application site). In addition to the allocation the housing guideline will be provided through limited infill and conversions on appropriate sites in the development boundaries.
- 6.1.3 Local objections have referred to a Government Inspector's report which they state concludes that the site should be for no more than 23 dwellings. This presumably is a reference to the outline application which proposed 23 dwellings. The outline was approved by the Council under delegated powers. Neither the Planning Inspector nor Government were involved. The Planning Inspector was involved in the SAMDev but did not comment on the number of houses for the application site. The figure of 20 within the SAMDev is a guideline and not an upper limit. The fact that the current applications propose more dwellings than indicated in either the SAMDev or the outline application is not a reason for refusal. Consideration of the access, layout and impact on amenities are the key issues to determine whether the number of houses is acceptable.
- 6.1.4 Objectors have also noted other recent approvals in the immediate area and consider that the community cluster guidelines have been met without the proposed site. This may be the case; however the site has outline consent and is also an allocated site for development. The principle has been accepted. Of the three sites quoted by the objectors the site at Wingate Way is for 100% affordable housing and therefore would not be considered as part of the housing guideline in the SAMDev. The Piggeries site was approved at a similar time to the outline on this site, between being able to give full weight to the old Oswestry Local Plan and the SAMDev, when greater weight was given to the NPPF. Officers acknowledge that the guideline will be exceeded but the issue can only be whether constructing more than 20 houses on this site results in unacceptable impacts. The issues, as noted above, are considered in detail later in this report.
- 6.1.5 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings which the Council Affordable Housing Officer has confirmed is acceptable in principle and complies with the current SAMDev and SPD requirements of 10% affordable housing. The tenure of the dwellings will need to

be understood as part of the requirements of the S106 on the outline consent, it is not necessary to be detailed in the reserved matters application. However, the affordable housing officer has raised concerns that the affordable dwellings are shown in a late phase in the development which would not comply with the requirements of the S106 on the outline consent. This matter was discussed with the agent who confirmed that this phase of the development would be constructed earlier to comply with the S106. It is likely to be one of the first phases for the reasons given in the highway section below.

6.1.6 Local objections have also raised concerns about the capacity of infrastructure such as school places, water and foul drainage. Drainage is dealt with below. The Council Learning and Skills team have also advised that this development is likely to cause some capacity pressures at the local primary school. However, as noted by the Learning and Skills officer this will be addressed through the use of CIL. The development will be liable for CIL payment and this is expected to be used to provide for local infrastructure requirements in accordance with policy CS9 of the Core Strategy. The capacity of the local water provision is a matter between the developer of the site and the water provider.

6.1.7 Concern has also been raised that the development of the whole site has been submitted as 5 separate applications. There is nothing within planning legislation or guidance to prevent this. The applications have all been submitted at the same time and it is considered to be clear what the overall development of the site will be. Officers, consultees and local residents have been able to consider the impact of all five phases together. The concerns raised by residents that as five applications this will therefore negate the need for a new foul water system and upgrade to water supply is not a matter for planning. The water/ sewerage provider will need to assess the development as a whole and determine what upgrades are required. This is a separate matter between the developer and the sewerage provide. In allocating the site Severn Trent Water did not raise any objections in regard to capacity. The justification for submitting 5 applications is detailed in the design and access statement submitted with the application. It relates to the trigger for payment of CIL. The applicant has confirmed that they will be paying the CIL payment but wanted to be able to phase payment with the construction and sale of houses. If the application had come in as one application for 30 dwellings the CIL payment for all 30 would have been required on the commencement of the first. Splitting the proposal into 5 applications has meant that the CIL payments will be relevant to the scale of each phase.

6.2 **Layout, scale and design**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The design and access statement submitted with the application comments on density with reference to the recently approved development to the north of the site known as the Piggery. That nearby development is for 44 houses on a site of 2.17ha and therefore a density of 20 dwellings per hectare. The applications as

originally submitted, in total, provided 30 dwellings on 2.9ha which is therefore 15.8 dph. The amended scheme reduces the number of houses by 3 and therefore also reduces the overall density. Although local objectors have commented that they consider the proposal is for too many houses this is based on the misconception that the outline consent was for a maximum of 23 dwellings and also reference to existing density. This second matter is considered below.

- 6.2.3 The layout of the whole site has been designed around a central area of open space which the applicant considers is similar to other parts of Park Hall where houses are provided near and overlooking open space. The proposed layout of the site will also improve pedestrian connectivity by providing footpaths through the site connecting Park Crescent, Larkhill Road and Artillery Road. This is considered to be a benefit to the wider community and the position of the open space is considered, by officers, to be appropriately sited. The area of open space is 1550sqm which it is acknowledged is less than the requirement within MD2 of the SAMDev but there are other areas of open space available in the wider area.
- 6.2.4 The layout, as amended, provides a mix of detached and semi-detached houses across all five phases. The parish council and local residents have raised concerns that the mix is not in keeping with the area, the existing houses on Park Crescent are all detached and the proposal includes semi-detached off Park Crescent; and that courtyard housing is not in keeping. However, the houses off St Barbaras Place, Larkhill Road and Artillery Road are mixed with more semi-detached properties. The development does not have to copy existing form, layout or design. The existing houses are mixed, there are brick and rendered properties, there are detached and semi-detached. The layout as amended proposes predominately detached houses off Park Crescent with only three pairs of semi-detached houses.
- 6.2.5 With regard to this specific application the four houses, two detached and one pair of semi-detached, are accessed off Larkhill Road and fill in an existing gap at the end of the turning head. Plots 1 & 2 are the pair of semi-detached houses and are laid out to face St Barbaras Place in line with the existing houses on this road. Plots 3 and 4 are detached houses both facing the turning head of Larkhill Road but one designed with the front elevation in the gable end. Each plot has sufficient driveway space for two cars to park and some also have garages. Officers accept that the proposal is different to the indicative layout on the outline application and proposes detached houses off Larkhill Road. However, this is not considered to be unacceptable to officers and helps to blend the proposed development into all the parts of the existing housing around the site.
- 6.2.6 The indicative layout on the outline consent was purely for indication how the site could be developed. Officers consider that plan was poor as, although it showed detached houses off Park Crescent, there was no turning head provided and no pedestrian link through to either Larkhill Road or Artillery Road. Furthermore, the houses off Artillery Road were cramped, would have been too close to neighbouring properties and with a car park of 25 spaces adjacent to a smaller play area. It is officer's opinion that the scheme now proposed is an improvement on the indicative layout whilst also providing more open space and more dwellings.
- 6.2.7 In terms of design these four houses mix the traditional details and design of the rest of the proposed scheme with a pair of semi detached houses with design

features that reflect the existing houses on St Barbaras Place. These four houses are also proposed to be finished with painted brick which will help to blend with the existing rendered houses in the immediate area. The applicant considers that the design is of a high quality and will add to the character of the area. As with the layout officers accept that the designs are different to the original Park Hall properties which were built for military occupation. However, there are other houses which have been built more recently which have added to the mix in the area.

6.2.8 Layout, design and appearance are subjective matters. Opinions can differ. The Parish Council and local residents view is clear from the level of objections which have been received. Members will need to consider whether they agree with the residents or officers. Officers consider that the layout, design and appearance are acceptable and will enhance the area. As such officers are of the opinion that the scheme complies with adopted policies.

6.3 **Impact on residential amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The development of the site should not result in unacceptable loss of privacy or light to existing dwellings or to the future residents of the site. It is not a matter of protecting views of existing properties or protecting properties from all overlooking or the feeling of overlooking. It is a subjective matter whether an impact is unacceptable or not. However, for ease officers regularly seek to ensure that there is at least 5m undeveloped around existing windows to ensure that the impact on right to light is not unacceptable and seek to ensure that there is around 21m between direct facing windows to ensure that the privacy of existing dwellings is maintained.

6.3.2 The site for these four plots is enclosed on three sides by existing dwellings. 1 St Barbaras Place lies to the side of plot 1 and has windows in the ground floor and first floor facing towards the application site. However, the first floor window in the gable end of plot 1 serves a landing and as such is not considered to be a habitable room. There is also over 10m between the existing window and the dwelling on plot 1. Plots 1 and 2 lie opposite an existing substation and the rear garden of 19 Larkhill Road, plot 3 will have its gable end windows facing towards the side elevation of 19 Larkhill Road and the windows in the side elevation. The relationship between these plots and the existing dwelling is such that there may be a perception of overlooking and loss of privacy, however the separation distances are 15m between plots 1/2 and the garden and over 21m between plot 3 and the house. As such there will not be any greater overlooking of this existing property than currently exists from existing surrounding houses.

6.3.3 Plot 3 also faces towards 6 Larkhill Road with the road in between. Both dwellings will have windows facing each other with a separation distance of over 25m this is considered to be acceptable. Plot 4 will not impact on any existing properties with 10m separation between the first floor landing window which faces towards the garden of 14 Park Crescent.

6.3.4 With regard to amenity of new residents the layout of these four dwellings will ensure that there is no loss of light or privacy. Accordingly the proposal is

considered to comply with policy CS6 in regard to amenity.

6.4 **Highways, access, parking and footpaths**

- 6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
- 6.4.2 Three points of access are proposed to the development. The layout as amended across all five applications shows 17 houses served off Park Crescent, 4 off Larkhill Road and 6 off Artillery Road. As noted in section 4 above, even as amended, the number of houses being accessed off Park Crescent has raised a significant number of local objections. The Parish Council have also objected to the proposal on the basis of traffic safety, increased traffic and lack of infrastructure.
- 6.4.3 Prior to submitting the current applications the agent met with the planning officer and highway officer. Advice was given that the majority of the houses should be accessed off Larkhill Road and Park Crescent. Artillery Road has a sharp bend and narrow width and as such is not considered suitable for high numbers of houses. Following receipt of the plans the Highway Officer raised concerns about the junction of Park Crescent onto North Drive which has limited visibility to the north. It was recommended that the number of houses off Park Crescent be reduced. The agent met again with the Planning Officer and Highway Officer and discussed alternative house numbers and other options.
- 6.4.4 The provision of a traffic calming measure on North Drive was suggested and has been submitted as part of the set of amended plans. The proposal is for the provision of a “build out” which is a trapezium shaped kerbed area with a central plastic bollard. It reduced the road width and requires drivers travelling in a southerly direction to give way to those travelling in a northerly direction. It is necessary to have this feature to the north of the existing junction as this is required to improve visibility and will mean that traffic travelling south towards the junction of Park Crescent and North Drive will be visible to traffic waiting to pull out of Park Crescent.
- 6.4.5 Local objections have raised concerns about the position of the build out, both in terms of traffic safety, increase in speed for vehicles attempting to beat other traffic to the narrowed section and also impact on the amenities of the properties either side of this feature. As noted above the build out is required to the north of the existing junction to alleviate the existing limited visibility. Officers, and the local member, accepts that there are other areas in Park Hall which also require traffic calming as part of a wider assessment of traffic speeds but this is a separate matter to the current application. There is a potential for increased speeds from some vehicles, if this does become a significant problem alternative traffic calming can be considered by the Parish Council and Highways Department.
- 6.4.6 With regard to amenity and the use of existing driveways the build out has been shown in a position where it will not conflict with the use of any existing driveway

entrance. The give-way will increase vehicles waiting outside existing dwellings, however waiting times will only be short, the existing dwellings are viewable from the public highway and footpath (on west side) and there are no parking restrictions preventing cars currently parking or waiting in the same position as the give way marking is proposed. The proposed bollard will be low and overall the build out feature is not considered to be visually intrusive.

- 6.4.7 As noted in the recommendation and section 4 above the final comments from the Council Highway Officer have not yet been received. However, the Principal Planning Officer has spoken to the Highway Officer, who was involved in the discussions with the agent. The principle of the proposed build out on North Drive is acceptable, the details would need to be worked up with highways under a S278 agreement as the work will involve works to the highway. With the addition of the build out the Council Highway Officer has verbally advised that they have no objection to the five applications under consideration. They have taken into account all five applications and the potential traffic impacts whilst also acknowledging that the site is allocated for housing development.
- 6.4.8 With regard to accessibility the agent considers the site is close to the recreational facilities at The Venue and Rugby club and near to employment such as a the hospital and BT. The village is also served by bus to Oswestry and Shrewsbury. It is acknowledged that the village does not have a shop, as noted by objectors, however it is close to the facilities available and is an allocated housing site with outline consent. The services and facilities around the site and in Oswestry are accessible.
- 6.4.9 Accordingly the site is considered to be suitable for housing development, the principle was accepted by allocation and the granting of outline consent. The improvements proposed to the existing highway and the layout and numbers of houses proposed will not result in highway safety impacts and as such the scheme complies with local policies and the NPPF.
- 6.5 **Ecology and trees**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The potential for impact on protected species was considered in detail during the determination of the outline planning application and conditions were imposed accordingly to enable improvements to ecology.
- 6.5.2 As noted in section 4 above the Council Ecologist has confirmed, with regard to the 5 reserved matters applications, that they have no additional comments to make and will rely on the conditions on the outline consent. The conditions will ensure the protection of species and the enhancement of habitat. As such the development of this site would comply with the requirements of policy CS17 and the NPPF with regard to ecology.
- 6.5.3 With regard to trees the Council Ecologist has advised that they welcome the retention of trees along the western boundary, and the additional native tree planting. The site was previously grazing land but does not appear to have been actively grazed recently. The site boundaries are hedges and fences and the

application proposes to retain the existing hedges and provide additional planting to the boundaries and also around and within the proposed amenity space.

6.6 Drainage

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The principle of connecting the foul drainage to the existing mains drainage system was accepted at the outline stage. Objections were raised by local residents at that time and are repeated on this application. However, as noted in the officer report for the outline application this is not a matter for planning, the sewerage provider is required to enable a connection to an existing mains foul system, any capacity issues would be a matter for the sewerage provider to resolve. No objections have been received from the sewerage provider.

6.6.2 The Council Drainage Engineer has advised that the drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM. The condition requires the details to be submitted prior to commencement. It does not require the details as part of the reserved matters applications. This information can be provided at a later date under an application for discharge of conditions. Any upgrades required to the local sewer network to enable connections to be made would have to be provided by the sewerage provider.

7.0 CONCLUSION

7.1 The principle for residential development has already been agreed through the allocation of the site and the granting of outline planning consent. It is considered by Officers that the proposed layout, appearance and landscaping of the scheme will respect the character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **Background**

Relevant Planning Policies

National Planning Policy Framework
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 Settlement: S14 - Oswestry

Relevant planning history:

13/01643/OUT Outline application for residential development (all matters reserved) GRANT
27th August 2014

17/03677/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces PCO

17/03678/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces PCO

17/03679/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces PCO

17/03680/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces PCO

17/03690/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces PCO

11. Additional Information

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 R. Macey
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Local Member Cllr Steve Charmley

Appendices APPENDIX 1 - Conditions

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

1. 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.

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

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

3. No development shall take place until a Construction Method Statement (incorporating a Traffic Management Plan) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for: -

- the parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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



Committee and Date

North Planning Committee

14th November 2017

Item

7

Public

Development Management Report

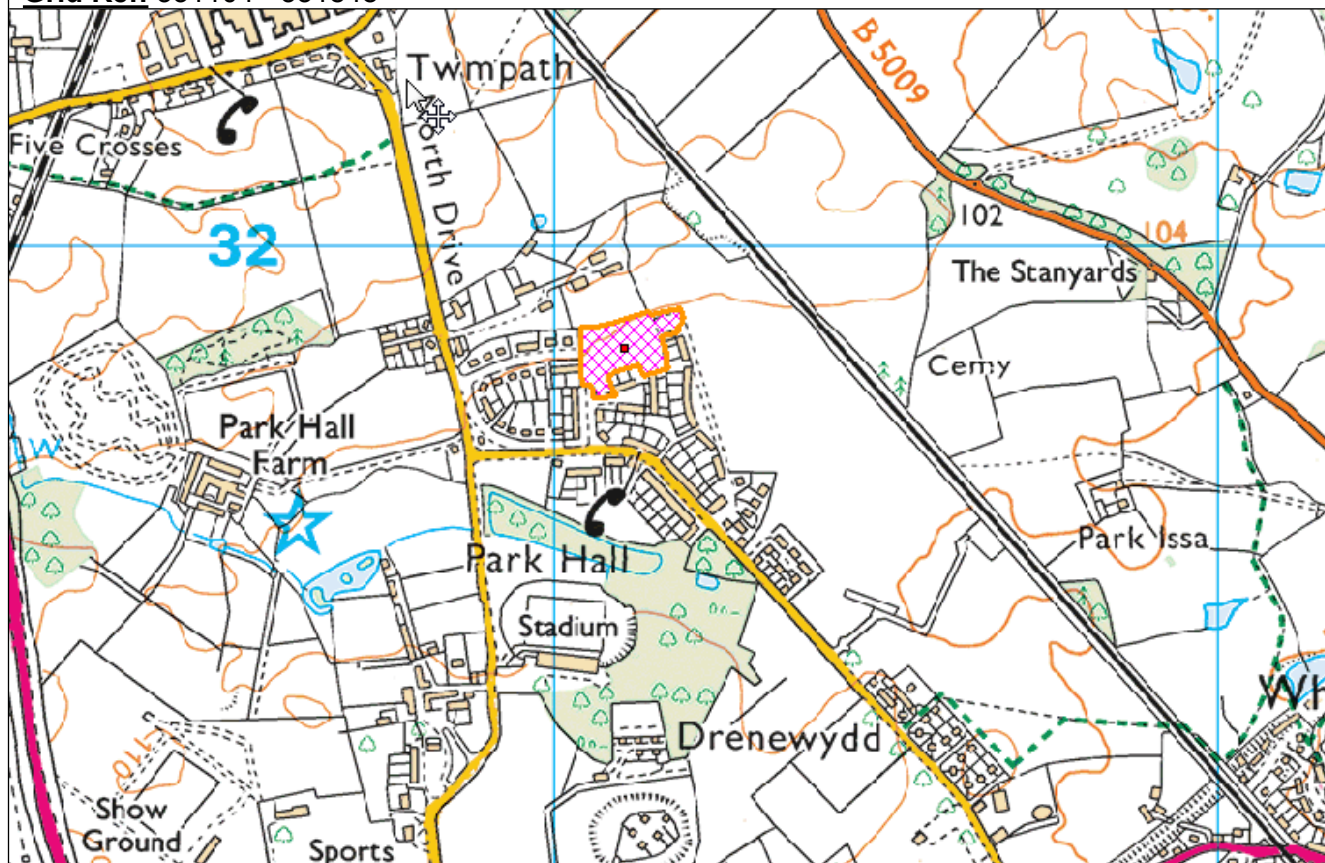
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/03678/REM	<u>Parish:</u> Whittington
<u>Proposal:</u> Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces	
<u>Site Address:</u> Land West Of Artillery Road Park Hall Oswestry Shropshire	
<u>Applicant:</u> Chartland Homes	
<u>Case Officer:</u> Karen Townend	<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 331104 - 331848



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REPORT

RECOMMENDATION: That, subject to no objections from the Council Highway Officer, that planning permission be granted subject to the conditions set out in appendix 1 and any other conditions recommended by the Highway Officer.

1.0 THE PROPOSAL

- 1.1 This application is one of five applications submitted for approval of reserved matters of access, layout, scale, appearance and landscaping of the site off Artillery Road, Park Hall. Outline planning permission was granted for residential development on this site on the 27th August 2014, subject to a legal agreement to secure affordable housing. All matters were reserved for later approval; only the principle of developing the site for housing was approved at that time.
- 1.2 This application is named as phase 2 of the development, for plots 5-9 (5 dwellings). The application has been submitted with full plans and supporting information to seek to deal with the matters reserved on the outline consent. There are four other planning applications, submitted concurrently, which propose the other phases of the development of the site granted at outline. The whole scheme has been amended since first submission when the proposal was for 30 dwellings. In total the five applications, as amended, now propose 27 dwellings on the site area, as approved at the outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application is part of the original outline site of 1.18 hectares and was previously used as grazing land. Existing residential development lies to three sides of the site which were previously accommodation associated with the former Park Hall Military camp in the 1940' and 50's.
- 2.2 The site lies to the east of the detached dwellings on Park Crescent which are positioned in sizeable gardens, to the north of the semi-detached houses on St Barbaras Place and to the west of the terraced houses on Artillery Road. To the north is a band of trees and hedges beyond which is a separate agricultural field lying between the site and an industrial site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council comments are contrary to the Officer recommendation and the Local Member has requested that the application be considered by committee. This was discussed with the Chair and Vice Chair of the Planning Committee who agreed that, given the level of objection received, the subjective matters of design and layout and the complexity of 5 reserved matters applications on the one outline site, the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – 30.10.17 – Whittington Parish Council discussed the amendments at a recent meeting. There is little change to the original plans and the Council is concerned that the reduction from 30 to 27 houses does not come near the maximum of 23 houses that was originally stated.

The Council are concerned that this has been broken up into 5 applications when they feel this is only 1 site that should have had 1 application not 5.

The Parish Council believe that the developers should meet with the residents of Park Hall to discuss the many concerns relating to these planning applications.

07.09.17 – There has been a great deal of concern relating to the submission of 5 separate applications, the original outline application was for 23 properties, these applications are for a third more now, 30 properties.

The mix of the proposed build is not in keeping with the existing area.

There is the issue of safety concern relating to the increase of traffic in an area already extremely busy traffic-wise and the infrastructure should be considered before any application is approved.

- 4.1.2 **Affordable Housing** – We note that the affordable dwellings are shown as plot numbers 25-27 as these are shown in phase 5 we need confirmation as to the timing of this phase as the S106 states that the affordable units must be transferred at the 50% occupation stage of the scheme, obviously if the affordable units are built out in the last phase this trigger point will not be met.
- 4.1.3 **Learning and Skills** – Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast it will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.
- 4.1.4 **Highways** – Awaiting final response.
- 4.1.5 **Ecology** – SC Ecology welcomes the retention of trees along the western boundary, and the additional native tree planting.

SC Ecology has no additional comments to make on this REM application providing the conditions on planning application 13/01643/OUT are adhered to, and a discharge of condition application is received as appropriate prior to first occupation of the dwellings.

- 4.1.6 **Drainage** – The drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM.

4.2 **Public Comments**

- 4.2.1 Site notices were erected for all five applications and 23 neighbouring properties directly consulted. As a result of this consultation 79 objections have been received raising the following concerns:

- Should not have been submitted as five separate applications
- SAMDev allocates the site for 20 houses, outline consent was for 23
- Contrary to Government Inspector's report/ decision

- Overdevelopment of the cluster with the other developments at Burma Road (4), The Piggeries (44) and Wingate Way (18)
- Park Hall has no services or facilities
- Insufficient infrastructure
- Insufficient water pressure
- Over development of the site
- Too many houses proposed
- Park Crescent are all detached houses, proposal is out of keeping
- Does not respect character or heritage of Park Hall Camp
- Park Crescent mainly rendered, proposal is mainly brick
- Courtyard housing not in keeping
- Roofs not orientated north/south so will not be able to use solar panels
- Amenity space should be relocated to be accessible to existing residents
- Overlooking of existing properties
- Too many houses proposed off Park Crescent, should be distributed across the other accesses
- Junction of Park Crescent to Burma Road is dangerous
- Junction of Park Crescent and North Drive has poor visibility and an incline
- Existing speeding issues
- No street lighting in area is a safety issue
- Will increase traffic
- No improvements to pedestrian or cycle links to Oswestry, including crossing the bypass
- Impact on bats and newts
- Increase flooding, especially on Burma Road
- Insufficient capacity in foul drainage system & Severn Trent not consulted

4.2.2 Following receipt of amended plans further objections have been received many repeating the comments above. Additional comments include:

- No need for more houses, Shropshire has at least for 5-6 years
- Reduction by 3 houses is not sufficient
- Will alter the character of the area to an estate
- Build out will increase loss of privacy to residents
- Traffic calming bollards are in the wrong location
- Should be speed humps not bollards as traffic speeds up to get around bollard
- Road is not wide enough for build out
- Build out will affect manoeuvring at adjacent house
- Proportion of houses accessed off Park Crescent is still unacceptable
- Applicant not willing to meet local residents
- Will reduce property value

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpaths
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The granting of the outline planning consent has accepted the principle of housing development on this site. All matters were reserved at the outline stage and as such are now submitted for consideration. The site is also allocated within the SAMDev as the single allocation for Park Hall which is within the cluster of Park Hall, Hindford, Babbinswood and Lower Frankton. Policy S14.2(ix) advises that the cluster will provide for future housing growth of around 50 dwellings delivered through a specific site allocation at Park Hall for 20 dwellings (the application site). In addition to the allocation the housing guideline will be provided through limited infill and conversions on appropriate sites in the development boundaries.
- 6.1.3 Local objections have referred to a Government Inspector's report which they state concludes that the site should be for no more than 23 dwellings. This presumably is a reference to the outline application which proposed 23 dwellings. The outline was approved by the Council under delegated powers. Neither the Planning Inspector nor Government were involved. The Planning Inspector was involved in the SAMDev but did not comment on the number of houses for the application site. The figure of 20 within the SAMDev is a guideline and not an upper limit. The fact that the current applications propose more dwellings than indicated in either the SAMDev or the outline application is not a reason for refusal. Consideration of the access, layout and impact on amenities are the key issues to determine whether the number of houses is acceptable.
- 6.1.4 Objectors have also noted other recent approvals in the immediate area and consider that the community cluster guidelines have been met without the proposed site. This may be the case; however the site has outline consent and is also an allocated site for development. The principle has been accepted. Of the three sites quoted by the objectors the site at Wingate Way is for 100% affordable housing and therefore would not be considered as part of the housing guideline in the SAMDev. The Piggeries site was approved at a similar time to the outline on this site, between being able to give full weight to the old Oswestry Local Plan and the SAMDev, when greater weight was given to the NPPF. Officers acknowledge that the guideline will be exceeded but the issue can only be whether constructing more than 20 houses on this site results in unacceptable impacts. The issues, as noted above, are considered in detail later in this report.
- 6.1.5 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings which the Council Affordable Housing Officer has confirmed is acceptable in principle and complies with the current SAMDev and SPD requirements of 10% affordable housing. The tenure of the dwellings will need to

be understood as part of the requirements of the S106 on the outline consent, it is not necessary to be detailed in the reserved matters application. However, the affordable housing officer has raised concerns that the affordable dwellings are shown in a late phase in the development which would not comply with the requirements of the S106 on the outline consent. This matter was discussed with the agent who confirmed that this phase of the development would be constructed earlier to comply with the S106. It is likely to be one of the first phases for the reasons given in the highway section below.

6.1.6 Local objections have also raised concerns about the capacity of infrastructure such as school places, water and foul drainage. Drainage is dealt with below. The Council Learning and Skills team have also advised that this development is likely to cause some capacity pressures at the local primary school. However, as noted by the Learning and Skills officer this will be addressed through the use of CIL. The development will be liable for CIL payment and this is expected to be used to provide for local infrastructure requirements in accordance with policy CS9 of the Core Strategy. The capacity of the local water provision is a matter between the developer of the site and the water provider.

6.1.7 Concern has also been raised that the development of the whole site has been submitted as 5 separate applications. There is nothing within planning legislation or guidance to prevent this. The applications have all been submitted at the same time and it is considered to be clear what the overall development of the site will be. Officers, consultees and local residents have been able to consider the impact of all five phases together. The concerns raised by residents that as five applications this will therefore negate the need for a new foul water system and upgrade to water supply is not a matter for planning. The water/ sewerage provider will need to assess the development as a whole and determine what upgrades are required. This is a separate matter between the developer and the sewerage provide. In allocating the site Severn Trent Water did not raise any objections in regard to capacity. The justification for submitting 5 applications is detailed in the design and access statement submitted with the application. It relates to the trigger for payment of CIL. The applicant has confirmed that they will be paying the CIL payment but wanted to be able to phase payment with the construction and sale of houses. If the application had come in as one application for 30 dwellings the CIL payment for all 30 would have been required on the commencement of the first. Splitting the proposal into 5 applications has meant that the CIL payments will be relevant to the scale of each phase.

6.2 **Layout, scale and design**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The design and access statement submitted with the application comments on density with reference to the recently approved development to the north of the site known as the Piggery. That nearby development is for 44 houses on a site of 2.17ha and therefore a density of 20 dwellings per hectare. The applications as

originally submitted, in total, provided 30 dwellings on 2.9ha which is therefore 15.8 dph. The amended scheme reduces the number of houses by 3 and therefore also reduces the overall density. Although local objectors have commented that they consider the proposal is for too many houses this is based on the misconception that the outline consent was for a maximum of 23 dwellings and also reference to existing density. This second matter is considered below.

- 6.2.3 The layout of the whole site has been designed around a central area of open space which the applicant considers is similar to other parts of Park Hall where houses are provided near and overlooking open space. The proposed layout of the site will also improve pedestrian connectivity by providing footpaths through the site connecting Park Crescent, Larkhill Road and Artillery Road. This is considered to be a benefit to the wider community and the position of the open space is considered, by officers, to be appropriately sited. The area of open space is 1550sqm which it is acknowledged is less than the requirement within MD2 of the SAMDev but there are other areas of open space available in the wider area.
- 6.2.4 The layout, as amended, provides a mix of detached and semi-detached houses across all five phases. The parish council and local residents have raised concerns that the mix is not in keeping with the area, the existing houses on Park Crescent are all detached and the proposal includes semi-detached off Park Crescent; and that courtyard housing is not in keeping. However, the houses off St Barbaras Pace, Larkhill Road and Artillery Road are mixed with more semi-detached properties. The development does not have to copy existing form, layout or design. The existing houses are mixed, there are brick and rendered properties, there are detached and semi-detached. The layout as amended proposes predominately detached houses off Park Crescent with only three pairs of semi-detached houses.
- 6.2.5 With regard to this specific application it proposes five detached houses off Park Crescent. Plot 5 faces the side elevation of 14 Park Crescent, plots 6, 7 and 8 face the new estate road and plot 9 is laid out with its gable end facing the estate road. All five of these units are also proposed with garaging and sufficient driveway space for two cars to park. Officers accept that the proposal is different to the indicative layout on the outline application and that the local residents would prefer to see only these 5 houses accessed off Park Crescent.
- 6.2.6 However, the indicative layout on the outline consent was purely for indication how the site could be developed. Officers consider that plan was poor as, although it showed detached houses off Park Crescent, there was no turning head provided and no pedestrian link through to either Larkhill Road or Artillery Road. Furthermore, the houses off Artillery Road were cramped, would have been too close to neighbouring properties and with a car park of 25 spaces adjacent to a smaller play area. It is officer's opinion that the scheme now proposed is an improvement on the indicative layout whilst also providing more open space and more dwellings.
- 6.2.7 In terms of design these five houses are all large detached dwellings with symmetrical frontages, chimneys and simple porches. Officers consider that these five houses reflect the designs of the existing houses on Park Crescent. They are proposed to be finished in brick which also continues the houses at the end of Park Crescent which are built of brick. The applicant considers that the design is of a

high quality and will add to the character of the area. Officers consider that these five houses are acceptable and continue the designs and details as existing. Granted beyond these five houses the designs do alter and include traditional features, smaller houses and different detailing. The acceptability of the remainder of the site is considered within the report for those phases. However, overall officers consider that the whole of the site will provide a good quality development which mixes the existing housing in the immediate area and wider area.

6.2.8 Layout, design and appearance are subjective matters. Opinions can differ. The Parish Council and local residents view is clear from the level of objections which have been received. Members will need to consider whether they agree with the residents or officers. Officers consider that the layout, design and appearance are acceptable and will enhance the area. As such officers are of the opinion that the scheme complies with adopted policies.

6.3 **Impact on residential amenity**

6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The development of the site should not result in unacceptable loss of privacy or light to existing dwellings or to the future residents of the site. It is not a matter of protecting views of existing properties or protecting properties from all overlooking or the feeling of overlooking. It is a subjective matter whether an impact is unacceptable or not. However, for ease officers regularly seek to ensure that there is at least 5m undeveloped around existing windows to ensure that the impact on right to light is not unacceptable and seek to ensure that there is around 21m between direct facing windows to ensure that the privacy of existing dwellings is maintained.

6.3.2 The site for these five plots is off the end of the existing Park Crescent where the existing housing face over the existing estate road. Plot 7 is proposed to lie adjacent to 21 Park Crescent with a separation distance of approximately 20 metres but with no windows in the gable end of the new dwelling and the majority of the trees on the boundary retained. As such the new dwelling will not cause an unacceptable impact on the amenities of the existing dwelling. Plot 6 will sit back to back with 1 St Barbaras Place but with over 30 metres between facing windows will not cause an unacceptable loss of amenity.

6.3.3 Plot 5 will face towards the side elevation of 14 Park Crescent which has windows in the gable end. However, the separation distance will be over 21 metres with the existing trees retained on the boundary. As such, although there will be windows in the front elevation of plot 5 the separation distance is such that officers could not justify refusal or an amendment on the basis of loss of privacy. This plot has been positioned at this angle to provide an element of interest and feature on entering the site. It is intended to form “bookends” with the garage opposite to create an entrance to the new part of the estate. It may be possible to turn this plot but there is no reason to require it to be turned.

6.3.4 With regard to amenity of new residents the layout of these five dwellings will ensure that there is no loss of light or privacy. Accordingly the proposal is considered to comply with policy CS6 in regard to amenity.

6.4 Highways, access, parking and footpaths

- 6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
- 6.4.2 Three points of access are proposed to the development. The layout as amended across all five applications shows 17 houses served off Park Crescent, 4 off Larkhill Road and 6 off Artillery Road. As noted in section 4 above, even as amended, the number of houses being accessed off Park Crescent has raised a significant number of local objections. The Parish Council have also objected to the proposal on the basis of traffic safety, increased traffic and lack of infrastructure.
- 6.4.3 Prior to submitting the current applications the agent met with the planning officer and highway officer. Advice was given that the majority of the houses should be accessed off Larkhill Road and Park Crescent. Artillery Road has a sharp bend and narrow width and as such is not considered suitable for high numbers of houses. Following receipt of the plans the Highway Officer raised concerns about the junction of Park Crescent onto North Drive which has limited visibility to the north. It was recommended that the number of houses off Park Crescent be reduced. The agent met again with the Planning Officer and Highway Officer and discussed alternative house numbers and other options.
- 6.4.4 The provision of a traffic calming measure on North Drive was suggested and has been submitted as part of the set of amended plans. The proposal is for the provision of a “build out” which is a trapezium shaped kerbed area with a central plastic bollard. It reduced the road width and requires drivers travelling in a southerly direction to give way to those travelling in a northerly direction. It is necessary to have this feature to the north of the existing junction as this is required to improve visibility and will mean that traffic travelling south towards the junction of Park Crescent and North Drive will be visible to traffic waiting to pull out of Park Crescent.
- 6.4.5 Local objections have raised concerns about the position of the build out, both in terms of traffic safety, increase in speed for vehicles attempting to beat other traffic to the narrowed section and also impact on the amenities of the properties either side of this feature. As noted above the build out is required to the north of the existing junction to alleviate the existing limited visibility. Officers, and the local member, accepts that there are other areas in Park Hall which also require traffic calming as part of a wider assessment of traffic speeds but this is a separate matter to the current application. There is a potential for increased speeds from some vehicles, if this does become a significant problem alternative traffic calming can be considered by the Parish Council and Highways Department.
- 6.4.6 With regard to amenity and the use of existing driveways the build out has been shown in a position where it will not conflict with the use of any existing driveway entrance. The give-way will increase vehicles waiting outside existing dwellings, however waiting times will only be short, the existing dwellings are viewable from

the public highway and footpath (on west side) and there are no parking restrictions preventing cars currently parking or waiting in the same position as the give way marking is proposed. The proposed bollard will be low and overall the build out feature is not considered to be visually intrusive.

- 6.4.7 As noted in the recommendation and section 4 above the final comments from the Council Highway Officer have not yet been received. However, the Principal Planning Officer has spoken to the Highway Officer, who was involved in the discussions with the agent. The principle of the proposed build out on North Drive is acceptable, the details would need to be worked up with highways under a S278 agreement as the work will involve works to the highway. With the addition of the build out the Council Highway Officer has verbally advised that they have no objection to the five applications under consideration. They have taken into account all five applications and the potential traffic impacts whilst also acknowledging that the site is allocated for housing development.
- 6.4.8 With regard to accessibility the agent considers the site is close to the recreational facilities at The Venue and Rugby club and near to employment such as a the hospital and BT. The village is also served by bus to Oswestry and Shrewsbury. It is acknowledged that the village does not have a shop, as noted by objectors, however it is close to the facilities available and is an allocated housing site with outline consent. The services and facilities around the site and in Oswestry are accessible.
- 6.4.9 Accordingly the site is considered to be suitable for housing development, the principle was accepted by allocation and the granting of outline consent. The improvements proposed to the existing highway and the layout and numbers of houses proposed will not result in highway safety impacts and as such the scheme complies with local policies and the NPPF.
- 6.5 **Ecology and trees**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The potential for impact on protected species was considered in detail during the determination of the outline planning application and conditions were imposed accordingly to enable improvements to ecology.
- 6.5.2 As noted in section 4 above the Council Ecologist has confirmed, with regard to the 5 reserved matters applications, that they have no additional comments to make and will rely on the conditions on the outline consent. The conditions will ensure the protection of species and the enhancement of habitat. As such the development of this site would comply with the requirements of policy CS17 and the NPPF with regard to ecology.
- 6.5.3 With regard to trees the Council Ecologist has advised that they welcome the retention of trees along the western boundary, and the additional native tree planting. The site was previously grazing land but does not appear to have been actively grazed recently. The site boundaries are hedges and fences and the application proposes to retain the existing hedges and provide additional planting to the boundaries and also around and within the proposed amenity space.

6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The principle of connecting the foul drainage to the existing mains drainage system was accepted at the outline stage. Objections were raised by local residents at that time and are repeated on this application. However, as noted in the officer report for the outline application this is not a matter for planning, the sewerage provider is required to enable a connection to an existing mains foul system, any capacity issues would be a matter for the sewerage provider to resolve. No objections have been received from the sewerage provider.

6.6.2 The Council Drainage Engineer has advised that the drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM. The condition requires the details to be submitted prior to commencement. It does not require the details as part of the reserved matters applications. This information can be provided at a later date under an application for discharge of conditions. Any upgrades required to the local sewer network to enable connections to be made would have to be provided by the sewerage provider.

7.0 **CONCLUSION**

7.1 The principle for residential development has already been agreed through the allocation of the site and the granting of outline planning consent. It is considered by Officers that the proposed layout, appearance and landscaping of the scheme will respect the character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

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

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

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

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **BACKGROUND**

Relevant Planning Policies

National Planning Policy Framework
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 Settlement: S14 - Oswestry

Relevant planning history:

13/01643/OUT Outline application for residential development (all matters reserved) GRANT
 27th August 2014

17/03677/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces PCO
 17/03678/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces PCO
 17/03679/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces PCO
 17/03680/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces PCO
 17/03690/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces PCO

11. ADDITIONAL INFORMATION

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 R. Macey
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Local Member Cllr Steve Charmley

Appendices APPENDIX 1 - Conditions

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

1. 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.

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

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

3. No development shall take place until a Construction Method Statement (incorporating a Traffic Management Plan) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for: -

- the parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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



Committee and Date

North Planning Committee

14th November 2017

Item

8

Public

Development Management Report

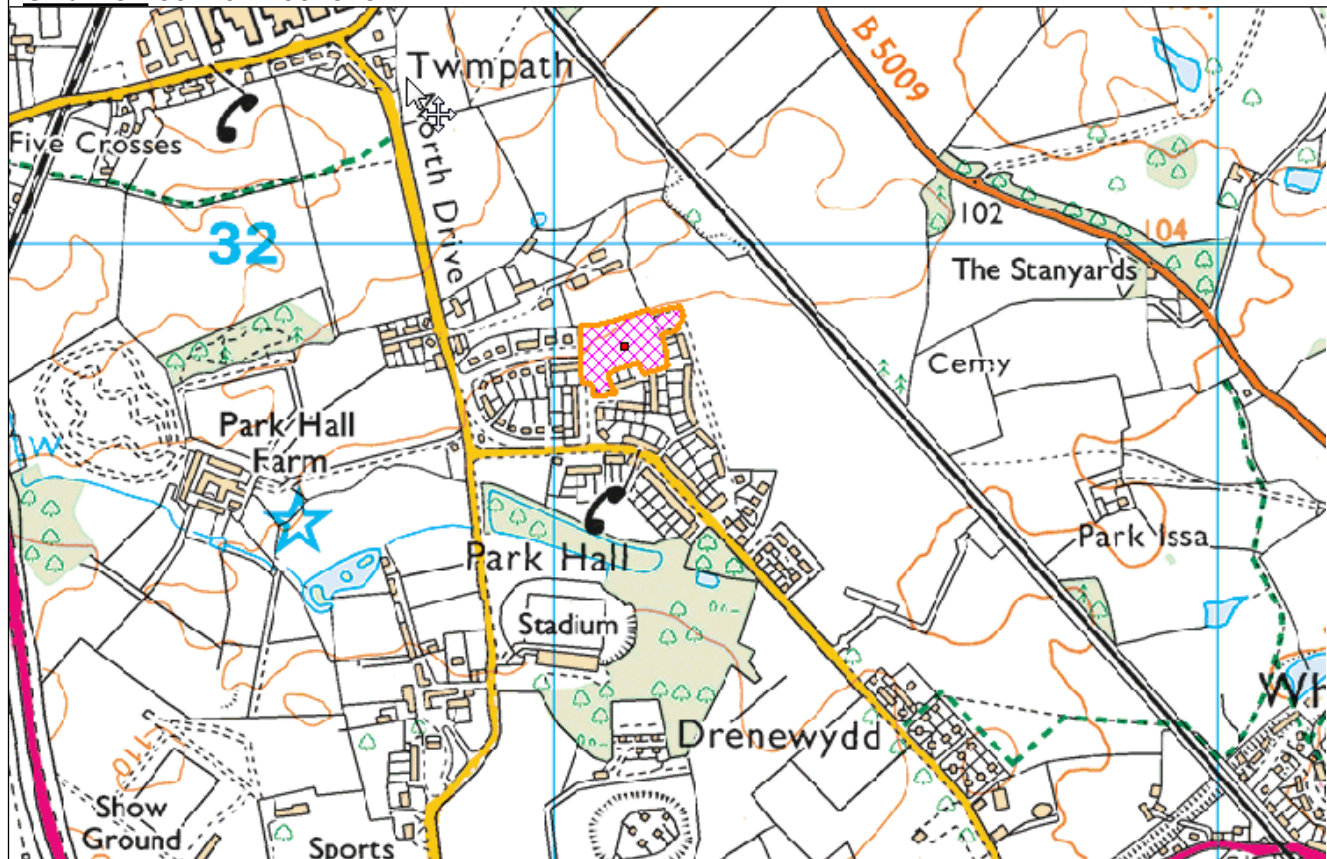
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/03679/REM	<u>Parish:</u> Whittington
<u>Proposal:</u> Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces	
<u>Site Address:</u> Land West Of Artillery Road Park Hall Oswestry Shropshire	
<u>Applicant:</u> Chartland Homes	
<u>Case Officer:</u> Karen Townend	<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 331104 - 331848



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REPORT

RECOMMENDATION: That, subject to no objections from the Council Highway Officer, that planning permission be granted subject to the conditions set out in appendix 1 and any other conditions recommended by the Highway Officer.

1.0 THE PROPOSAL

- 1.1 This application is one of five applications submitted for approval of reserved matters of access, layout, scale, appearance and landscaping of the site off Artillery Road, Park Hall. Outline planning permission was granted for residential development on this site on the 27th August 2014, subject to a legal agreement to secure affordable housing. All matters were reserved for later approval; only the principle of developing the site for housing was approved at that time.
- 1.2 This application is named as phase 3 of the development, for plots 10-16 (7 dwellings). The application has been submitted with full plans and supporting information to seek to deal with the matters reserved on the outline consent. There are four other planning applications, submitted concurrently, which propose the other phases of the development of the site granted at outline. The whole scheme has been amended since first submission when the proposal was for 30 dwellings. In total the five applications, as amended, now propose 27 dwellings on the site area, as approved at the outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application is part of the original outline site of 1.18 hectares and was previously used as grazing land. Existing residential development lies to three sides of the site which were previously accommodation associated with the former Park Hall Military camp in the 1940' and 50's.
- 2.2 The site lies to the east of the detached dwellings on Park Crescent which are positioned in sizeable gardens, to the north of the semi-detached houses on St Barbaras Place and to the west of the terraced houses on Artillery Road. To the north is a band of trees and hedges beyond which is a separate agricultural field lying between the site and an industrial site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council comments are contrary to the Officer recommendation and the Local Member has requested that the application be considered by committee. This was discussed with the Chair and Vice Chair of the Planning Committee who agreed that, given the level of objection received, the subjective matters of design and layout and the complexity of 5 reserved matters applications on the one outline site, the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – 30.10.17 – Whittington Parish Council discussed the amendments at a recent meeting. There is little change to the original plans and the Council is concerned that the reduction from 30 to 27 houses does not come near the maximum of 23 houses that was originally stated.

The Council are concerned that this has been broken up into 5 applications when they feel this is only 1 site that should have had 1 application not 5.

The Parish Council believe that the developers should meet with the residents of Park Hall to discuss the many concerns relating to these planning applications.

07.09.17 – There has been a great deal of concern relating to the submission of 5 separate applications, the original outline application was for 23 properties, these applications are for a third more now, 30 properties.

The mix of the proposed build is not in keeping with the existing area.

There is the issue of safety concern relating to the increase of traffic in an area already extremely busy traffic-wise and the infrastructure should be considered before any application is approved.

- 4.1.2 **Affordable Housing** – We note that the affordable dwellings are shown as plot numbers 25-27 as these are shown in phase 5 we need confirmation as to the timing of this phase as the S106 states that the affordable units must be transferred at the 50% occupation stage of the scheme, obviously if the affordable units are built out in the last phase this trigger point will not be met.
- 4.1.3 **Learning and Skills** – Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast it will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.
- 4.1.4 **Highways** – Awaiting final response.
- 4.1.5 **Ecology** – SC Ecology welcomes the retention of trees along the western boundary, and the additional native tree planting.

SC Ecology has no additional comments to make on this REM application providing the conditions on planning application 13/01643/OUT are adhered to, and a discharge of condition application is received as appropriate prior to first occupation of the dwellings.

- 4.1.6 **Drainage** – The drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM.

4.2 **Public Comments**

- 4.2.1 Site notices were erected for all five applications and 23 neighbouring properties directly consulted. As a result of this consultation 79 objections have been received raising the following concerns:

- Should not have been submitted as five separate applications
- SAMDev allocates the site for 20 houses, outline consent was for 23
- Contrary to Government Inspector's report/ decision

- Overdevelopment of the cluster with the other developments at Burma Road (4), The Piggeries (44) and Wingate Way (18)
- Park Hall has no services or facilities
- Insufficient infrastructure
- Insufficient water pressure
- Over development of the site
- Too many houses proposed
- Park Crescent are all detached houses, proposal is out of keeping
- Does not respect character or heritage of Park Hall Camp
- Park Crescent mainly rendered, proposal is mainly brick
- Courtyard housing not in keeping
- Roofs not orientated north/south so will not be able to use solar panels
- Amenity space should be relocated to be accessible to existing residents
- Overlooking of existing properties
- Too many houses proposed off Park Crescent, should be distributed across the other accesses
- Junction of Park Crescent to Burma Road is dangerous
- Junction of Park Crescent and North Drive has poor visibility and an incline
- Existing speeding issues
- No street lighting in area is a safety issue
- Will increase traffic
- No improvements to pedestrian or cycle links to Oswestry, including crossing the bypass
- Impact on bats and newts
- Increase flooding, especially on Burma Road
- Insufficient capacity in foul drainage system & Severn Trent not consulted

4.2.2 Following receipt of amended plans further objections have been received many repeating the comments above. Additional comments include:

- No need for more houses, Shropshire has at least for 5-6 years
- Reduction by 3 houses is not sufficient
- Will alter the character of the area to an estate
- Build out will increase loss of privacy to residents
- Traffic calming bollards are in the wrong location
- Should be speed humps not bollards as traffic speeds up to get around bollard
- Road is not wide enough for build out
- Build out will affect manoeuvring at adjacent house
- Proportion of houses accessed off Park Crescent is still unacceptable
- Applicant not willing to meet local residents
- Will reduce property value

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpaths
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The granting of the outline planning consent has accepted the principle of housing development on this site. All matters were reserved at the outline stage and as such are now submitted for consideration. The site is also allocated within the SAMDev as the single allocation for Park Hall which is within the cluster of Park Hall, Hindford, Babbinswood and Lower Frankton. Policy S14.2(ix) advises that the cluster will provide for future housing growth of around 50 dwellings delivered through a specific site allocation at Park Hall for 20 dwellings (the application site). In addition to the allocation the housing guideline will be provided through limited infill and conversions on appropriate sites in the development boundaries.
- 6.1.3 Local objections have referred to a Government Inspector's report which they state concludes that the site should be for no more than 23 dwellings. This presumably is a reference to the outline application which proposed 23 dwellings. The outline was approved by the Council under delegated powers. Neither the Planning Inspector nor Government were involved. The Planning Inspector was involved in the SAMDev but did not comment on the number of houses for the application site. The figure of 20 within the SAMDev is a guideline and not an upper limit. The fact that the current applications propose more dwellings than indicated in either the SAMDev or the outline application is not a reason for refusal. Consideration of the access, layout and impact on amenities are the key issues to determine whether the number of houses is acceptable.
- 6.1.4 Objectors have also noted other recent approvals in the immediate area and consider that the community cluster guidelines have been met without the proposed site. This may be the case; however the site has outline consent and is also an allocated site for development. The principle has been accepted. Of the three sites quoted by the objectors the site at Wingate Way is for 100% affordable housing and therefore would not be considered as part of the housing guideline in the SAMDev. The Piggeries site was approved at a similar time to the outline on this site, between being able to give full weight to the old Oswestry Local Plan and the SAMDev, when greater weight was given to the NPPF. Officers acknowledge that the guideline will be exceeded but the issue can only be whether constructing more than 20 houses on this site results in unacceptable impacts. The issues, as noted above, are considered in detail later in this report.
- 6.1.5 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings which the Council Affordable Housing Officer has confirmed is acceptable in principle and complies with the current SAMDev and SPD requirements of 10% affordable housing. The tenure of the dwellings will need to

be understood as part of the requirements of the S106 on the outline consent, it is not necessary to be detailed in the reserved matters application. However, the affordable housing officer has raised concerns that the affordable dwellings are shown in a late phase in the development which would not comply with the requirements of the S106 on the outline consent. This matter was discussed with the agent who confirmed that this phase of the development would be constructed earlier to comply with the S106. It is likely to be one of the first phases for the reasons given in the highway section below.

6.1.6 Local objections have also raised concerns about the capacity of infrastructure such as school places, water and foul drainage. Drainage is dealt with below. The Council Learning and Skills team have also advised that this development is likely to cause some capacity pressures at the local primary school. However, as noted by the Learning and Skills officer this will be addressed through the use of CIL. The development will be liable for CIL payment and this is expected to be used to provide for local infrastructure requirements in accordance with policy CS9 of the Core Strategy. The capacity of the local water provision is a matter between the developer of the site and the water provider.

6.1.7 Concern has also been raised that the development of the whole site has been submitted as 5 separate applications. There is nothing within planning legislation or guidance to prevent this. The applications have all been submitted at the same time and it is considered to be clear what the overall development of the site will be. Officers, consultees and local residents have been able to consider the impact of all five phases together. The concerns raised by residents that as five applications this will therefore negate the need for a new foul water system and upgrade to water supply is not a matter for planning. The water/ sewerage provider will need to assess the development as a whole and determine what upgrades are required. This is a separate matter between the developer and the sewerage provide. In allocating the site Severn Trent Water did not raise any objections in regard to capacity. The justification for submitting 5 applications is detailed in the design and access statement submitted with the application. It relates to the trigger for payment of CIL. The applicant has confirmed that they will be paying the CIL payment but wanted to be able to phase payment with the construction and sale of houses. If the application had come in as one application for 30 dwellings the CIL payment for all 30 would have been required on the commencement of the first. Splitting the proposal into 5 applications has meant that the CIL payments will be relevant to the scale of each phase.

6.2 **Layout, scale and design**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The design and access statement submitted with the application comments on density with reference to the recently approved development to the north of the site known as the Piggery. That nearby development is for 44 houses on a site of 2.17ha and therefore a density of 20 dwellings per hectare. The applications as

originally submitted, in total, provided 30 dwellings on 2.9ha which is therefore 15.8 dph. The amended scheme reduces the number of houses by 3 and therefore also reduces the overall density. Although local objectors have commented that they consider the proposal is for too many houses this is based on the misconception that the outline consent was for a maximum of 23 dwellings and also reference to existing density. This second matter is considered below.

- 6.2.3 The layout of the whole site has been designed around a central area of open space which the applicant considers is similar to other parts of Park Hall where houses are provided near and overlooking open space. The proposed layout of the site will also improve pedestrian connectivity by providing footpaths through the site connecting Park Crescent, Larkhill Road and Artillery Road. This is considered to be a benefit to the wider community and the position of the open space is considered, by officers, to be appropriately sited. The area of open space is 1550sqm which it is acknowledged is less than the requirement within MD2 of the SAMDev but there are other areas of open space available in the wider area.
- 6.2.4 The layout, as amended, provides a mix of detached and semi-detached houses across all five phases. The parish council and local residents have raised concerns that the mix is not in keeping with the area, the existing houses on Park Crescent are all detached and the proposal includes semi-detached off Park Crescent; and that courtyard housing is not in keeping. However, the houses off St Barbaras Pace, Larkhill Road and Artillery Road are mixed with more semi-detached properties. The development does not have to copy existing form, layout or design. The existing houses are mixed, there are brick and rendered properties, there are detached and semi-detached. The layout as amended proposes predominately detached houses off Park Crescent with only three pairs of semi-detached houses.
- 6.2.5 With regard to this specific application four of the houses are detached and the other four are two pairs of semi-detached houses. Plots 11-12 are laid house so that one dwelling faces the estate road and the second faces a parking area, this is then enclosed with plots 13 and the garage of plot 14. Plots 15 and 16 are a pair of semi-detached houses facing the estate road and public open space. Each plot has sufficient driveway space for two cars to park and some also have garages. Officers accept that the proposal is different to the indicative layout on the outline application and proposes semi-detached houses off Park Crescent. However, this is not considered to be unacceptable to officers and helps to blend the proposed development into all the parts of the existing housing around the site.
- 6.2.6 The indicative layout on the outline consent was purely for indication how the site could be developed. Officers consider that plan was poor as, although it showed detached houses off Park Crescent, there was no turning head provided and no pedestrian link through to either Larkhill Road or Artillery Road. Furthermore, the houses off Artillery Road were cramped, would have been too close to neighbouring properties and with a car park of 25 spaces adjacent to a smaller play area. It is officer's opinion that the scheme now proposed is an improvement on the indicative layout whilst also providing more open space and more dwellings.
- 6.2.7 In terms of design the scheme is different to the existing dwellings in Park Hall. However the applicant considers that the design is of a high quality and will add to the character of the area. Traditional building materials are proposed. The designs

include more traditional features with arched brick headers, eaves details, feature windows, porches and chimneys. As with the layout officers accept that the designs are different to the original Park Hall properties which were built for military occupation. However, there are other houses which have been built more recently which have added to the mix in the area.

6.2.8 Layout, design and appearance are subjective matters. Opinions can differ. The Parish Council and local residents view is clear from the level of objections which have been received. Members will need to consider whether they agree with the residents or officers. Officers consider that the layout, design and appearance are acceptable and will enhance the area. As such officers are of the opinion that the scheme complies with adopted policies.

6.3 **Impact on residential amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The development of the site should not result in unacceptable loss of privacy or light to existing dwellings or to the future residents of the site. It is not a matter of protecting views of existing properties or protecting properties from all overlooking or the feeling of overlooking. It is a subjective matter whether an impact is unacceptable or not. However, for ease officers regularly seek to ensure that there is at least 5m undeveloped around existing windows to ensure that the impact on right to light is not unacceptable and seek to ensure that there is around 21m between direct facing windows to ensure that the privacy of existing dwellings is maintained.

6.3.2 Of the five plots proposed in this application only plots 15 and 16 are adjacent to existing dwellings around the site. There are other plots within the other applications which will need to be considered. However, for this application only the impact of plots 15 & 16 on existing dwellings need to be assessed. These two plots are a pair of semi-detached houses, two storey with windows in the front and rear elevations. The rear elevations face towards existing dwellings on St Barbaras Place.

6.3.3 The existing dwellings are over 29 metres from the proposed new dwellings and as such, although there are first floor windows facing towards first floor windows, the distance between the dwellings will ensure that the loss of privacy will not be to an extent which could be considered to be unacceptable.

6.3.4 With regard to amenity of new residents the layout of these five dwellings will ensure that there is no loss of light or privacy. Accordingly the proposal is considered to comply with policy CS6 in regard to amenity.

6.4 **Highways, access, parking and footpaths**

6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.

- 6.4.2 Three points of access are proposed to the development. The layout as amended across all five applications shows 17 houses served off Park Crescent, 4 off Larkhill Road and 6 off Artillery Road. As noted in section 4 above, even as amended, the number of houses being accessed off Park Crescent has raised a significant number of local objections. The Parish Council have also objected to the proposal on the basis of traffic safety, increased traffic and lack of infrastructure.
- 6.4.3 Prior to submitting the current applications the agent met with the planning officer and highway officer. Advice was given that the majority of the houses should be accessed off Larkhill Road and Park Crescent. Artillery Road has a sharp bend and narrow width and as such is not considered suitable for high numbers of houses. Following receipt of the plans the Highway Officer raised concerns about the junction of Park Crescent onto North Drive which has limited visibility to the north. It was recommended that the number of houses off Park Crescent be reduced. The agent met again with the Planning Officer and Highway Officer and discussed alternative house numbers and other options.
- 6.4.4 The provision of a traffic calming measure on North Drive was suggested and has been submitted as part of the set of amended plans. The proposal is for the provision of a “build out” which is a trapezium shaped kerbed area with a central plastic bollard. It reduced the road width and requires drivers travelling in a southerly direction to give way to those travelling in a northerly direction. It is necessary to have this feature to the north of the existing junction as this is required to improve visibility and will mean that traffic travelling south towards the junction of Park Crescent and North Drive will be visible to traffic waiting to pull out of Park Crescent.
- 6.4.5 Local objections have raised concerns about the position of the build out, both in terms of traffic safety, increase in speed for vehicles attempting to beat other traffic to the narrowed section and also impact on the amenities of the properties either side of this feature. As noted above the build out is required to the north of the existing junction to alleviate the existing limited visibility. Officers, and the local member, accepts that there are other areas in Park Hall which also require traffic calming as part of a wider assessment of traffic speeds but this is a separate matter to the current application. There is a potential for increased speeds from some vehicles, if this does become a significant problem alternative traffic calming can be considered by the Parish Council and Highways Department.
- 6.4.6 With regard to amenity and the use of existing driveways the build out has been shown in a position where it will not conflict with the use of any existing driveway entrance. The give-way will increase vehicles waiting outside existing dwellings, however waiting times will only be short, the existing dwellings are viewable from the public highway and footpath (on west side) and there are no parking restrictions preventing cars currently parking or waiting in the same position as the give way marking is proposed. The proposed bollard will be low and overall the build out feature is not considered to be visually intrusive.
- 6.4.7 As noted in the recommendation and section 4 above the final comments from the Council Highway Officer have not yet been received. However, the Principal Planning Officer has spoken to the Highway Officer, who was involved in the

discussions with the agent. The principle of the proposed build out on North Drive is acceptable, the details would need to be worked up with highways under a S278 agreement as the work will involve works to the highway. With the addition of the build out the Council Highway Officer has verbally advised that they have no objection to the five applications under consideration. They have taken into account all five applications and the potential traffic impacts whilst also acknowledging that the site is allocated for housing development.

6.4.8 With regard to accessibility the agent considers the site is close to the recreational facilities at The Venue and Rugby club and near to employment such as a the hospital and BT. The village is also served by bus to Oswestry and Shrewsbury. It is acknowledged that the village does not have a shop, as noted by objectors, however it is close to the facilities available and is an allocated housing site with outline consent. The services and facilities around the site and in Oswestry are accessible.

6.4.9 Accordingly the site is considered to be suitable for housing development, the principle was accepted by allocation and the granting of outline consent. The improvements proposed to the existing highway and the layout and numbers of houses proposed will not result in highway safety impacts and as such the scheme complies with local policies and the NPPF.

6.5 Ecology and trees

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The potential for impact on protected species was considered in detail during the determination of the outline planning application and conditions were imposed accordingly to enable improvements to ecology.

6.5.2 As noted in section 4 above the Council Ecologist has confirmed, with regard to the 5 reserved matters applications, that they have no additional comments to make and will rely on the conditions on the outline consent. The conditions will ensure the protection of species and the enhancement of habitat. As such the development of this site would comply with the requirements of policy CS17 and the NPPF with regard to ecology.

6.5.3 With regard to trees the Council Ecologist has advised that they welcome the retention of trees along the western boundary, and the additional native tree planting. The site was previously grazing land but does not appear to have been actively grazed recently. The site boundaries are hedges and fences and the application proposes to retain the existing hedges and provide additional planting to the boundaries and also around and within the proposed amenity space.

6.6 Drainage

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The principle of connecting the foul drainage to the existing mains drainage system was accepted at the outline stage. Objections were raised by local residents at that time and are repeated on this application. However, as noted

in the officer report for the outline application this is not a matter for planning, the sewerage provider is required to enable a connection to an existing mains foul system, any capacity issues would be a matter for the sewerage provider to resolve. No objections have been received from the sewerage provider.

- 6.6. The Council Drainage Engineer has advised that the drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM. The condition requires the details to be submitted prior to commencement. It does not require the details as part of the reserved matters applications. This information can be provided at a later date under an application for discharge of conditions. Any upgrades required to the local sewer network to enable connections to be made would have to be provided by the sewerage provider.

7.0 CONCLUSION

- 7.1 The principle for residential development has already been agreed through the allocation of the site and the granting of outline planning consent. It is considered by Officers that the proposed layout, appearance and landscaping of the scheme will respect the character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **BACKGROUND**

Relevant Planning Policies

National Planning Policy Framework
 CS4 - Community Hubs and Community Clusters
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 Settlement: S14 - Oswestry
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management

Relevant planning history:

13/01643/OUT Outline application for residential development (all matters reserved) GRANT
 27th August 2014

17/03677/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces PCO

17/03678/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces PCO

17/03679/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces PCO

17/03680/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces PCO

17/03690/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces PCO

11. ADDITIONAL INFORMATION

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 R. Macey
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Local Member Cllr Steve Charmley

Appendices APPENDIX 1 - Conditions

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

1. 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.

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

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

3. No development shall take place until a Construction Method Statement (incorporating a Traffic Management Plan) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for: -

- the parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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



Committee and Date

North Planning Committee

14th November 2017

Item

9

Public

Development Management Report

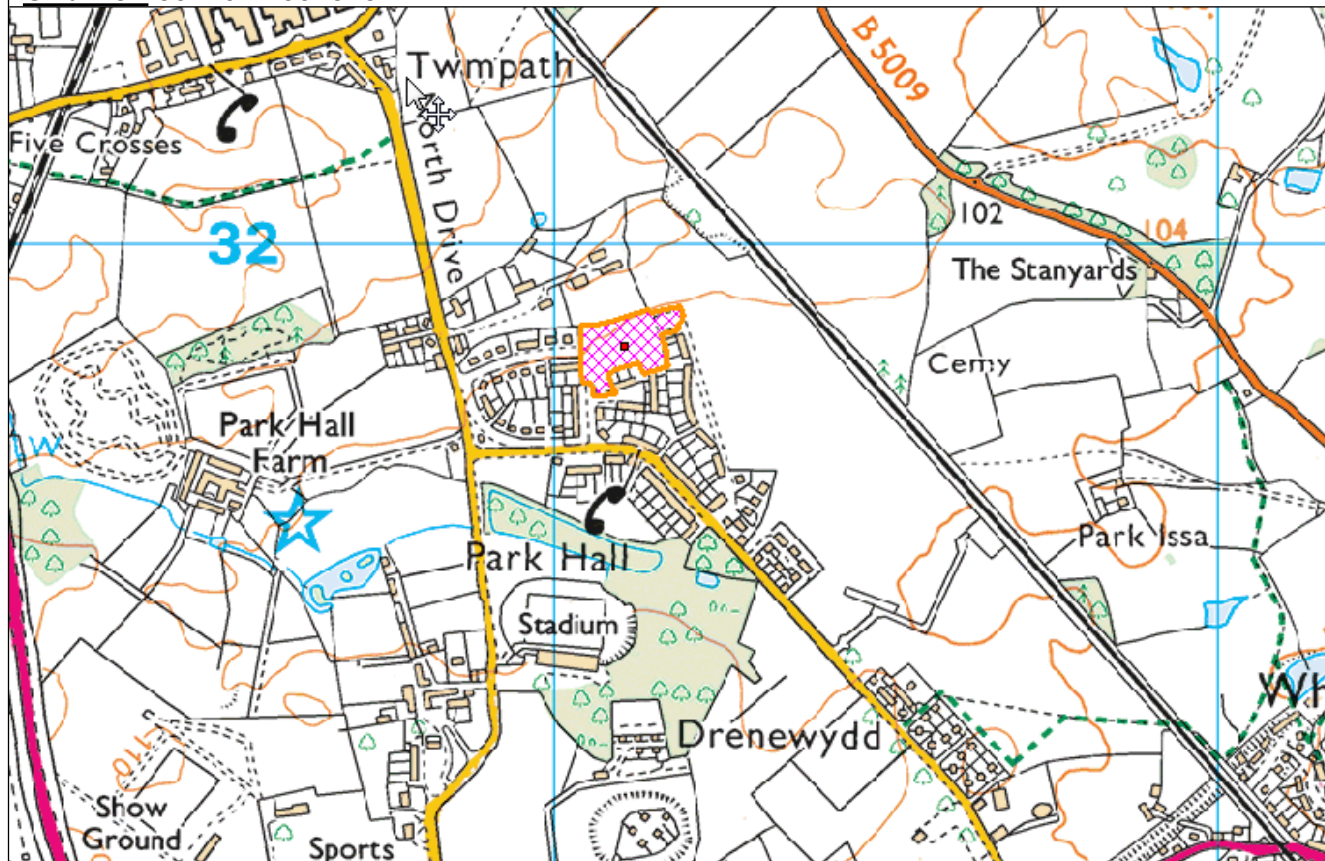
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/03680/REM	<u>Parish:</u> Whittington
<u>Proposal:</u> Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces	
<u>Site Address:</u> Land West Of Artillery Road Park Hall Oswestry Shropshire	
<u>Applicant:</u> Chartland Homes	
<u>Case Officer:</u> Karen Townend	<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 331104 - 331848



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REPORT

RECOMMENDATION: That, subject to no objections from the Council Highway Officer, that planning permission be granted subject to the conditions set out in appendix 1 and any other conditions recommended by the Highway Officer.

1.0 THE PROPOSAL

- 1.1 This application is one of five applications submitted for approval of reserved matters of access, layout, scale, appearance and landscaping of the site off Artillery Road, Park Hall. Outline planning permission was granted for residential development on this site on the 27th August 2014, subject to a legal agreement to secure affordable housing. All matters were reserved for later approval; only the principle of developing the site for housing was approved at that time.
- 1.2 This application is named as phase 4 of the development, for plots 17-21 (5 dwellings). The application has been submitted with full plans and supporting information to seek to deal with the matters reserved on the outline consent. There are four other planning applications, submitted concurrently, which propose the other phases of the development of the site granted at outline. The whole scheme has been amended since first submission when the proposal was for 30 dwellings. In total the five applications, as amended, now propose 27 dwellings on the site area, as approved at the outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application is part of the original outline site of 1.18 hectares and was previously used as grazing land. Existing residential development lies to three sides of the site which were previously accommodation associated with the former Park Hall Military camp in the 1940' and 50's.
- 2.2 The site lies to the east of the detached dwellings on Park Crescent which are positioned in sizeable gardens, to the north of the semi-detached houses on St Barbaras Place and to the west of the terraced houses on Artillery Road. To the north is a band of trees and hedges beyond which is a separate agricultural field lying between the site and an industrial site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council comments are contrary to the Officer recommendation and the Local Member has requested that the application be considered by committee. This was discussed with the Chair and Vice Chair of the Planning Committee who agreed that, given the level of objection received, the subjective matters of design and layout and the complexity of 5 reserved matters applications on the one outline site, the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – 30.10.17 – Whittington Parish Council discussed the amendments at a recent meeting. There is little change to the original plans and the Council is concerned that the reduction from 30 to 27 houses does not come near the maximum of 23 houses that was originally stated.

The Council are concerned that this has been broken up into 5 applications when they feel this is only 1 site that should have had 1 application not 5.

The Parish Council believe that the developers should meet with the residents of Park Hall to discuss the many concerns relating to these planning applications.

07.09.17 – There has been a great deal of concern relating to the submission of 5 separate applications, the original outline application was for 23 properties, these applications are for a third more now, 30 properties.

The mix of the proposed build is not in keeping with the existing area.

There is the issue of safety concern relating to the increase of traffic in an area already extremely busy traffic-wise and the infrastructure should be considered before any application is approved.

4.1.2 **Affordable Housing** – We note that the affordable dwellings are shown as plot numbers 25-27 as these are shown in phase 5 we need confirmation as to the timing of this phase as the S106 states that the affordable units must be transferred at the 50% occupation stage of the scheme, obviously if the affordable units are built out in the last phase this trigger point will not be met.

4.1.3 **Learning and Skills** – Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast it will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.

4.1.4 **Highways** – Awaiting final response.

4.1.5 **Ecology** – SC Ecology welcomes the retention of trees along the western boundary, and the additional native tree planting.

SC Ecology has no additional comments to make on this REM application providing the conditions on planning application 13/01643/OUT are adhered to, and a discharge of condition application is received as appropriate prior to first occupation of the dwellings.

4.1.6 **Drainage** – The drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM.

4.2 **Public Comments**

4.2.1 Site notices were erected for all five applications and 23 neighbouring properties directly consulted. As a result of this consultation 79 objections have been received raising the following concerns:

- Should not have been submitted as five separate applications
- SAMDev allocates the site for 20 houses, outline consent was for 23
- Contrary to Government Inspector's report/ decision

- Overdevelopment of the cluster with the other developments at Burma Road (4), The Piggeries (44) and Wingate Way (18)
- Park Hall has no services or facilities
- Insufficient infrastructure
- Insufficient water pressure
- Over development of the site
- Too many houses proposed
- Park Crescent are all detached houses, proposal is out of keeping
- Does not respect character or heritage of Park Hall Camp
- Park Crescent mainly rendered, proposal is mainly brick
- Courtyard housing not in keeping
- Roofs not orientated north/south so will not be able to use solar panels
- Amenity space should be relocated to be accessible to existing residents
- Overlooking of existing properties
- Too many houses proposed off Park Crescent, should be distributed across the other accesses
- Junction of Park Crescent to Burma Road is dangerous
- Junction of Park Crescent and North Drive has poor visibility and an incline
- Existing speeding issues
- No street lighting in area is a safety issue
- Will increase traffic
- No improvements to pedestrian or cycle links to Oswestry, including crossing the bypass
- Impact on bats and newts
- Increase flooding, especially on Burma Road
- Insufficient capacity in foul drainage system & Severn Trent not consulted

4.2.2 Following receipt of amended plans further objections have been received many repeating the comments above. Additional comments include:

- No need for more houses, Shropshire has at least for 5-6 years
- Reduction by 3 houses is not sufficient
- Will alter the character of the area to an estate
- Build out will increase loss of privacy to residents
- Traffic calming bollards are in the wrong location
- Should be speed humps not bollards as traffic speeds up to get around bollard
- Road is not wide enough for build out
- Build out will affect manoeuvring at adjacent house
- Proportion of houses accessed off Park Crescent is still unacceptable
- Applicant not willing to meet local residents
- Will reduce property value

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpaths
- Ecology and trees
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The granting of the outline planning consent has accepted the principle of housing development on this site. All matters were reserved at the outline stage and as such are now submitted for consideration. The site is also allocated within the SAMDev as the single allocation for Park Hall which is within the cluster of Park Hall, Hindford, Babbinswood and Lower Frankton. Policy S14.2(ix) advises that the cluster will provide for future housing growth of around 50 dwellings delivered through a specific site allocation at Park Hall for 20 dwellings (the application site). In addition to the allocation the housing guideline will be provided through limited infill and conversions on appropriate sites in the development boundaries.
- 6.1.3 Local objections have referred to a Government Inspector's report which they state concludes that the site should be for no more than 23 dwellings. This presumably is a reference to the outline application which proposed 23 dwellings. The outline was approved by the Council under delegated powers. Neither the Planning Inspector nor Government were involved. The Planning Inspector was involved in the SAMDev but did not comment on the number of houses for the application site. The figure of 20 within the SAMDev is a guideline and not an upper limit. The fact that the current applications propose more dwellings than indicated in either the SAMDev or the outline application is not a reason for refusal. Consideration of the access, layout and impact on amenities are the key issues to determine whether the number of houses is acceptable.
- 6.1.4 Objectors have also noted other recent approvals in the immediate area and consider that the community cluster guidelines have been met without the proposed site. This may be the case; however the site has outline consent and is also an allocated site for development. The principle has been accepted. Of the three sites quoted by the objectors the site at Wingate Way is for 100% affordable housing and therefore would not be considered as part of the housing guideline in the SAMDev. The Piggeries site was approved at a similar time to the outline on this site, between being able to give full weight to the old Oswestry Local Plan and the SAMDev, when greater weight was given to the NPPF. Officers acknowledge that the guideline will be exceeded but the issue can only be whether constructing more than 20 houses on this site results in unacceptable impacts. The issues, as noted above, are considered in detail later in this report.
- 6.1.5 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings which the Council Affordable Housing Officer has confirmed is acceptable in principle and complies with the current SAMDev and SPD requirements of 10% affordable housing. The tenure of the dwellings will need to

be understood as part of the requirements of the S106 on the outline consent, it is not necessary to be detailed in the reserved matters application. However, the affordable housing officer has raised concerns that the affordable dwellings are shown in a late phase in the development which would not comply with the requirements of the S106 on the outline consent. This matter was discussed with the agent who confirmed that this phase of the development would be constructed earlier to comply with the S106. It is likely to be one of the first phases for the reasons given in the highway section below.

6.1.6 Local objections have also raised concerns about the capacity of infrastructure such as school places, water and foul drainage. Drainage is dealt with below. The Council Learning and Skills team have also advised that this development is likely to cause some capacity pressures at the local primary school. However, as noted by the Learning and Skills officer this will be addressed through the use of CIL. The development will be liable for CIL payment and this is expected to be used to provide for local infrastructure requirements in accordance with policy CS9 of the Core Strategy. The capacity of the local water provision is a matter between the developer of the site and the water provider.

6.1.7 Concern has also been raised that the development of the whole site has been submitted as 5 separate applications. There is nothing within planning legislation or guidance to prevent this. The applications have all been submitted at the same time and it is considered to be clear what the overall development of the site will be. Officers, consultees and local residents have been able to consider the impact of all five phases together. The concerns raised by residents that as five applications this will therefore negate the need for a new foul water system and upgrade to water supply is not a matter for planning. The water/ sewerage provider will need to assess the development as a whole and determine what upgrades are required. This is a separate matter between the developer and the sewerage provide. In allocating the site Severn Trent Water did not raise any objections in regard to capacity. The justification for submitting 5 applications is detailed in the design and access statement submitted with the application. It relates to the trigger for payment of CIL. The applicant has confirmed that they will be paying the CIL payment but wanted to be able to phase payment with the construction and sale of houses. If the application had come in as one application for 30 dwellings the CIL payment for all 30 would have been required on the commencement of the first. Splitting the proposal into 5 applications has meant that the CIL payments will be relevant to the scale of each phase.

6.2 **Layout, scale and design**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The design and access statement submitted with the application comments on density with reference to the recently approved development to the north of the site known as the Piggery. That nearby development is for 44 houses on a site of 2.17ha and therefore a density of 20 dwellings per hectare. The applications as

originally submitted, in total, provided 30 dwellings on 2.9ha which is therefore 15.8 dph. The amended scheme reduces the number of houses by 3 and therefore also reduces the overall density. Although local objectors have commented that they consider the proposal is for too many houses this is based on the misconception that the outline consent was for a maximum of 23 dwellings and also reference to existing density. This second matter is considered below.

- 6.2.3 The layout of the whole site has been designed around a central area of open space which the applicant considers is similar to other parts of Park Hall where houses are provided near and overlooking open space. The proposed layout of the site will also improve pedestrian connectivity by providing footpaths through the site connecting Park Crescent, Larkhill Road and Artillery Road. This is considered to be a benefit to the wider community and the position of the open space is considered, by officers, to be appropriately sited. The area of open space is 1550sqm which it is acknowledged is less than the requirement within MD2 of the SAMDev but there are other areas of open space available in the wider area.
- 6.2.4 The layout, as amended, provides a mix of detached and semi-detached houses across all five phases. The parish council and local residents have raised concerns that the mix is not in keeping with the area, the existing houses on Park Crescent are all detached and the proposal includes semi-detached off Park Crescent; and that courtyard housing is not in keeping. However, the houses off St Barbaras Place, Larkhill Road and Artillery Road are mixed with more semi-detached properties. The development does not have to copy existing form, layout or design. The existing houses are mixed, there are brick and rendered properties, there are detached and semi-detached. The layout as amended proposes predominately detached houses off Park Crescent with only three pairs of semi-detached houses.
- 6.2.5 With regard to this specific application it proposes three detached houses and a pair of semi-detached houses off Park Crescent in the corner of the site between St Barbaras Place and Artillery Road. These five plots will sit around a private driveway and turning head and all face over the new road. The rear of plot 17 will sit along the edge of the public open space in the centre of the site. All five plots have sufficient driveway space for two cars to park and three of the units will also have garaging. Officers accept that the proposal is different to the indicative layout on the outline application and proposes detached and semi-detached houses off Park Crescent. However, this is not considered to be unacceptable to officers and helps to blend the proposed development into all the parts of the existing housing around the site.
- 6.2.6 the indicative layout on the outline consent was purely for indication how the site could be developed. Officers consider that plan was poor as, although it showed detached houses off Park Crescent, there was no turning head provided and no pedestrian link through to either Larkhill Road or Artillery Road. Furthermore, the houses off Artillery Road were cramped, would have been too close to neighbouring properties and with a car park of 25 spaces adjacent to a smaller play area. It is officer's opinion that the scheme now proposed is an improvement on the indicative layout whilst also providing more open space and more dwellings.
- 6.2.7 In terms of design these five houses provide two large detached dwellings, one smaller detached dwelling with rooms partly in the roof and a pair of semi-detached

houses also with rooms partly in the roof space. The design details are considered by officers to blend details which reflect the existing housing on Park Crescent with traditional details and materials including finials, chimneys and porches the applicant considers that the design is of a high quality and will add to the character of the area. As with the layout officers accept that the designs are different to the original Park Hall properties which were built for military occupation. However, there are other houses which have been built more recently which have added to the mix in the area. However, overall officers consider that the whole of the site will provide a good quality development which mixes the existing housing in the immediate area and wider area.

6.2.8 Layout, design and appearance are subjective matters. Opinions can differ. The Parish Council and local residents view is clear from the level of objections which have been received. Members will need to consider whether they agree with the residents or officers. Officers consider that the layout, design and appearance are acceptable and will enhance the area. As such officers are of the opinion that the scheme complies with adopted policies.

6.3 **Impact on residential amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The development of the site should not result in unacceptable loss of privacy or light to existing dwellings or to the future residents of the site. It is not a matter of protecting views of existing properties or protecting properties from all overlooking or the feeling of overlooking. It is a subjective matter whether an impact is unacceptable or not. However, for ease officers regularly seek to ensure that there is at least 5m undeveloped around existing windows to ensure that the impact on right to light is not unacceptable and seek to ensure that there is around 21m between direct facing windows to ensure that the privacy of existing dwellings is maintained.

6.3.2 The site for these five plots is accessed off the end of the existing Park Crescent but is beyond other new houses and as such will not impact on the amenities of the residents of Park Crescent. The impact of traffic is considered later in the report. The site for the 5 units is between the rears of the houses on Artillery Road and St Barbaras Place. Plot 17 is within the application site, plot 18 and 19 back onto 5 St Barbaras Place with the rear of plot 18 facing towards the side of the existing dwelling and the gable end of plot 19 facing over the existing dwelling's garden. The new dwelling is approximately 16 metres from the existing dwelling which is below the recommended minimum for between facing windows. However, the existing window in the gable end of the existing dwelling serves a landing which is not considered to be a habitable room and therefore the impact on the amenities of this existing dwelling is not unacceptable.

6.3.3 Plots 20 and 21 back onto the existing houses on Artillery Road but will be over 28 metres between the new dwellings and the existing properties. Plot 20 will be close to the rear end of the gardens of the existing dwellings with just under 4m from the rear of the plot to the edge of the curtilage. The garden of the existing dwelling is over 20m and as such the new dwelling may overlook the end of the garden, however this would be the case if the gardens were more even. The existing garden is also already overlooked by existing neighbours and as such officers

consider that the impact on the amenities of the existing residents could not be argued to be unacceptable.

6.3.4 With regard to amenity of new residents the layout of these five dwellings will ensure that there is no loss of light or privacy. Accordingly the proposal is considered to comply with policy CS6 in regard to amenity.

6.4 **Highways, access, parking and footpaths**

6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.

6.4.2 Three points of access are proposed to the development. The layout as amended across all five applications shows 17 houses served off Park Crescent, 4 off Larkhill Road and 6 off Artillery Road. As noted in section 4 above, even as amended, the number of houses being accessed off Park Crescent has raised a significant number of local objections. The Parish Council have also objected to the proposal on the basis of traffic safety, increased traffic and lack of infrastructure.

6.4.3 Prior to submitting the current applications the agent met with the planning officer and highway officer. Advice was given that the majority of the houses should be accessed off Larkhill Road and Park Crescent. Artillery Road has a sharp bend and narrow width and as such is not considered suitable for high numbers of houses. Following receipt of the plans the Highway Officer raised concerns about the junction of Park Crescent onto North Drive which has limited visibility to the north. It was recommended that the number of houses off Park Crescent be reduced. The agent met again with the Planning Officer and Highway Officer and discussed alternative house numbers and other options.

6.4.4 The provision of a traffic calming measure on North Drive was suggested and has been submitted as part of the set of amended plans. The proposal is for the provision of a “build out” which is a trapezium shaped kerbed area with a central plastic bollard. It reduced the road width and requires drivers travelling in a southerly direction to give way to those travelling in a northerly direction. It is necessary to have this feature to the north of the existing junction as this is required to improve visibility and will mean that traffic travelling south towards the junction of Park Crescent and North Drive will be visible to traffic waiting to pull out of Park Crescent.

6.4.5 Local objections have raised concerns about the position of the build out, both in terms of traffic safety, increase in speed for vehicles attempting to beat other traffic to the narrowed section and also impact on the amenities of the properties either side of this feature. As noted above the build out is required to the north of the existing junction to alleviate the existing limited visibility. Officers, and the local member, accepts that there are other areas in Park Hall which also require traffic calming as part of a wider assessment of traffic speeds but this is a separate matter to the current application. There is a potential for increased speeds from some

vehicles, if this does become a significant problem alternative traffic calming can be considered by the Parish Council and Highways Department.

- 6.4.6 With regard to amenity and the use of existing driveways the build out has been shown in a position where it will not conflict with the use of any existing driveway entrance. The give-way will increase vehicles waiting outside existing dwellings, however waiting times will only be short, the existing dwellings are viewable from the public highway and footpath (on west side) and there are no parking restrictions preventing cars currently parking or waiting in the same position as the give way marking is proposed. The proposed bollard will be low and overall the build out feature is not considered to be visually intrusive.
- 6.4.7 As noted in the recommendation and section 4 above the final comments from the Council Highway Officer have not yet been received. However, the Principal Planning Officer has spoken to the Highway Officer, who was involved in the discussions with the agent. The principle of the proposed build out on North Drive is acceptable, the details would need to be worked up with highways under a S278 agreement as the work will involve works to the highway. With the addition of the build out the Council Highway Officer has verbally advised that they have no objection to the five applications under consideration. They have taken into account all five applications and the potential traffic impacts whilst also acknowledging that the site is allocated for housing development.
- 6.4.8 With regard to accessibility the agent considers the site is close to the recreational facilities at The Venue and Rugby club and near to employment such as a the hospital and BT. The village is also served by bus to Oswestry and Shrewsbury. It is acknowledged that the village does not have a shop, as noted by objectors, however it is close to the facilities available and is an allocated housing site with outline consent. The services and facilities around the site and in Oswestry are accessible.
- 6.4.9 Accordingly the site is considered to be suitable for housing development, the principle was accepted by allocation and the granting of outline consent. The improvements proposed to the existing highway and the layout and numbers of houses proposed will not result in highway safety impacts and as such the scheme complies with local policies and the NPPF.
- 6.5 **Ecology and trees**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The potential for impact on protected species was considered in detail during the determination of the outline planning application and conditions were imposed accordingly to enable improvements to ecology.
- 6.5.2 As noted in section 4 above the Council Ecologist has confirmed, with regard to the 5 reserved matters applications, that they have no additional comments to make and will rely on the conditions on the outline consent. The conditions will ensure the protection of species and the enhancement of habitat. As such the development of this site would comply with the requirements of policy CS17 and the NPPF with regard to ecology.

6.5.3 With regard to trees the Council Ecologist has advised that they welcome the retention of trees along the western boundary, and the additional native tree planting. The site was previously grazing land but does not appear to have been actively grazed recently. The site boundaries are hedges and fences and the application proposes to retain the existing hedges and provide additional planting to the boundaries and also around and within the proposed amenity space.

6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The principle of connecting the foul drainage to the existing mains drainage system was accepted at the outline stage. Objections were raised by local residents at that time and are repeated on this application. However, as noted in the officer report for the outline application this is not a matter for planning, the sewerage provider is required to enable a connection to an existing mains foul system, any capacity issues would be a matter for the sewerage provider to resolve. No objections have been received from the sewerage provider.

6.6.2 The Council Drainage Engineer has advised that the drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM. The condition requires the details to be submitted prior to commencement. It does not require the details as part of the reserved matters applications. This information can be provided at a later date under an application for discharge of conditions. Any upgrades required to the local sewer network to enable connections to be made would have to be provided by the sewerage provider.

7.0 **CONCLUSION**

7.1 The principle for residential development has already been agreed through the allocation of the site and the granting of outline planning consent. It is considered by Officers that the proposed layout, appearance and landscaping of the scheme will respect the character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

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

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

The decision may be challenged by way of a Judicial Review by a third party.

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **BACKGROUND**

Relevant Planning Policies

National Planning Policy Framework
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 Settlement: S14 - Oswestry

Relevant planning history:

13/01643/OUT Outline application for residential development (all matters reserved) GRANT
 27th August 2014

17/03677/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces PCO

17/03678/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces PCO

17/03679/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces PCO

17/03680/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces PCO

17/03690/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces PCO

11. ADDITIONAL INFORMATION

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

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

1. 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.

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

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

3. No development shall take place until a Construction Method Statement (incorporating a Traffic Management Plan) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for: -

- the parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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



Committee and Date

North Planning Committee

14th November 2017

Item

10

Public

Development Management Report

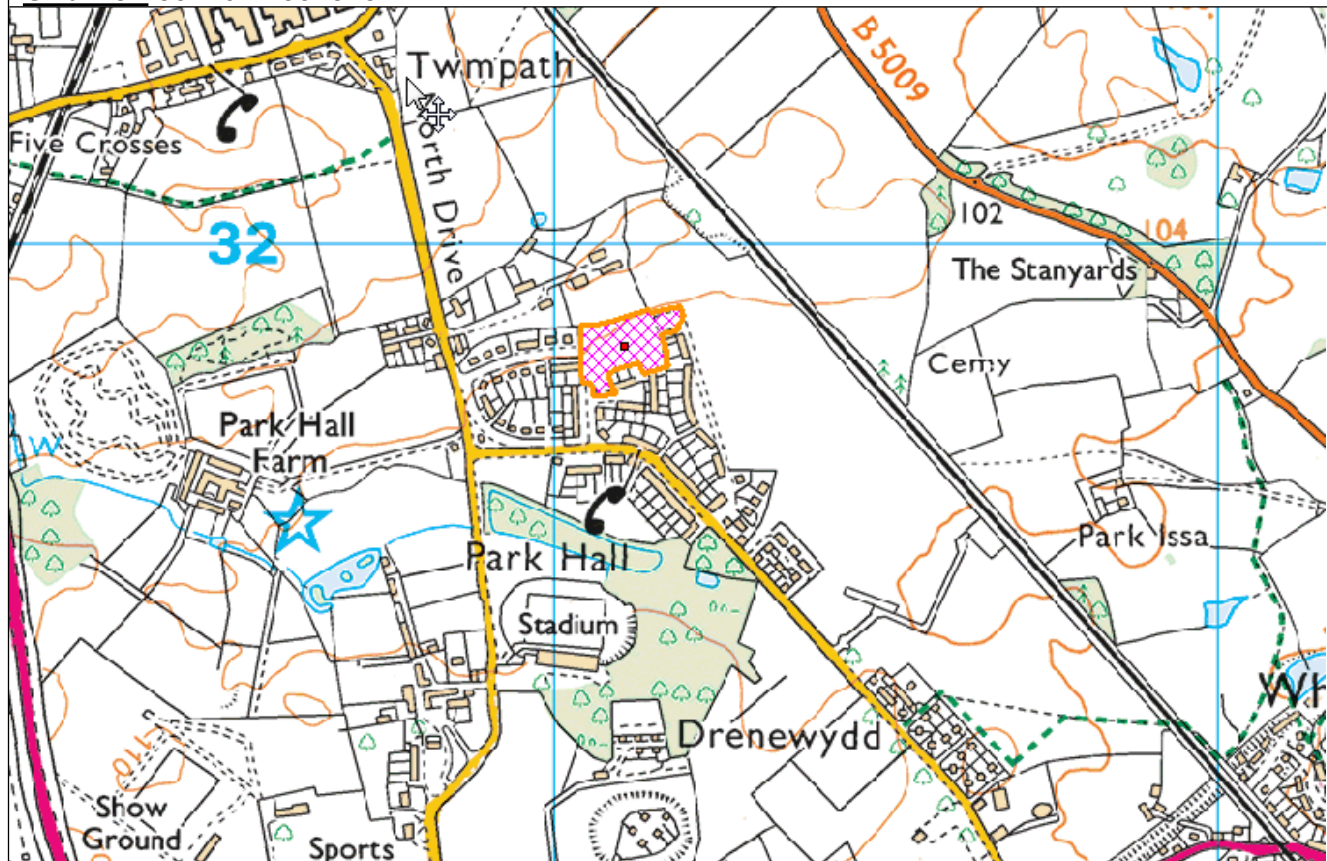
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/03690/REM	<u>Parish:</u> Whittington
<u>Proposal:</u> Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces	
<u>Site Address:</u> Land West Of Artillery Road Park Hall Oswestry Shropshire	
<u>Applicant:</u> Chartland Homes	
<u>Case Officer:</u> Karen Townend	<u>email:</u> planningdmne@shropshire.gov.uk

Grid Ref: 331104 - 331848



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REPORT

RECOMMENDATION: That, subject to no objections from the Council Highway Officer, that planning permission be granted subject to the conditions set out in appendix 1 and any other conditions recommended by the Highway Officer.

1.0 THE PROPOSAL

- 1.1 This application is one of five applications submitted for approval of reserved matters of access, layout, scale, appearance and landscaping of the site off Artillery Road, Park Hall. Outline planning permission was granted for residential development on this site on the 27th August 2014, subject to a legal agreement to secure affordable housing. All matters were reserved for later approval; only the principle of developing the site for housing was approved at that time.
- 1.2 This application is named as phase 5 of the development, for plots 22-27 (6 dwellings). The application has been submitted with full plans and supporting information to seek to deal with the matters reserved on the outline consent. There are four other planning applications, submitted concurrently, which propose the other phases of the development of the site granted at outline. The whole scheme has been amended since first submission when the proposal was for 30 dwellings. In total the five applications, as amended, now propose 27 dwellings on the site area, as approved at the outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application is part of the original outline site of 1.18 hectares and was previously used as grazing land. Existing residential development lies to three sides of the site which were previously accommodation associated with the former Park Hall Military camp in the 1940' and 50's.
- 2.2 The site lies to the east of the detached dwellings on Park Crescent which are positioned in sizeable gardens, to the north of the semi-detached houses on St Barbaras Place and to the west of the terraced houses on Artillery Road. To the north is a band of trees and hedges beyond which is a separate agricultural field lying between the site and an industrial site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council comments are contrary to the Officer recommendation and the Local Member has requested that the application be considered by committee. This was discussed with the Chair and Vice Chair of the Planning Committee who agreed that, given the level of objection received, the subjective matters of design and layout and the complexity of 5 reserved matters applications on the one outline site, the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Parish Council** – 30.10.17 – Whittington Parish Council discussed the amendments at a recent meeting. There is little change to the original plans and the Council is concerned that the reduction from 30 to 27 houses does not come near the maximum of 23 houses that was originally stated.

The Council are concerned that this has been broken up into 5 applications when they feel this is only 1 site that should have had 1 application not 5.

The Parish Council believe that the developers should meet with the residents of Park Hall to discuss the many concerns relating to these planning applications.

07.09.17 – There has been a great deal of concern relating to the submission of 5 separate applications, the original outline application was for 23 properties, these applications are for a third more now, 30 properties.

The mix of the proposed build is not in keeping with the existing area.

There is the issue of safety concern relating to the increase of traffic in an area already extremely busy traffic-wise and the infrastructure should be considered before any application is approved.

4.1.2 **Affordable Housing** – We note that the affordable dwellings are shown as plot numbers 25-27 as these are shown in phase 5 we need confirmation as to the timing of this phase as the S106 states that the affordable units must be transferred at the 50% occupation stage of the scheme, obviously if the affordable units are built out in the last phase this trigger point will not be met.

4.1.3 **Learning and Skills** – Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast it will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.

4.1.4 **Highways** – Awaiting final response.

4.1.5 **Ecology** – SC Ecology welcomes the retention of trees along the western boundary, and the additional native tree planting.

SC Ecology has no additional comments to make on this REM application providing the conditions on planning application 13/01643/OUT are adhered to, and a discharge of condition application is received as appropriate prior to first occupation of the dwellings.

4.1.6 **Drainage** – The drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM.

4.2 **Public Comments**

4.2.1 Site notices were erected for all five applications and 23 neighbouring properties directly consulted. As a result of this consultation 79 objections have been received raising the following concerns:

- Should not have been submitted as five separate applications
- SAMDev allocates the site for 20 houses, outline consent was for 23

- Contrary to Government Inspector's report/ decision
- Overdevelopment of the cluster with the other developments at Burma Road (4), The Piggeries (44) and Wingate Way (18)
- Park Hall has no services or facilities
- Insufficient infrastructure
- Insufficient water pressure
- Over development of the site
- Too many houses proposed
- Park Crescent are all detached houses, proposal is out of keeping
- Does not respect character or heritage of Park Hall Camp
- Park Crescent mainly rendered, proposal is mainly brick
- Courtyard housing not in keeping
- Roofs not orientated north/south so will not be able to use solar panels
- Amenity space should be relocated to be accessible to existing residents
- Overlooking of existing properties
- Too many houses proposed off Park Crescent, should be distributed across the other accesses
- Junction of Park Crescent to Burma Road is dangerous
- Junction of Park Crescent and North Drive has poor visibility and an incline
- Existing speeding issues
- No street lighting in area is a safety issue
- Will increase traffic
- No improvements to pedestrian or cycle links to Oswestry, including crossing the bypass
- Impact on bats and newts
- Increase flooding, especially on Burma Road
- Insufficient capacity in foul drainage system & Severn Trent not consulted

4.2.2 Following receipt of amended plans further objections have been received many repeating the comments above. Additional comments include:

- No need for more houses, Shropshire has at least for 5-6 years
- Reduction by 3 houses is not sufficient
- Will alter the character of the area to an estate
- Build out will increase loss of privacy to residents
- Traffic calming bollards are in the wrong location
- Should be speed humps not bollards as traffic speeds up to get around bollard
- Road is not wide enough for build out
- Build out will affect manoeuvring at adjacent house
- Proportion of houses accessed off Park Crescent is still unacceptable
- Applicant not willing to meet local residents
- Will reduce property value

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design
- Impact on residential amenity
- Highways, access, parking and footpaths
- Ecology and trees

- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The granting of the outline planning consent has accepted the principle of housing development on this site. All matters were reserved at the outline stage and as such are now submitted for consideration. The site is also allocated within the SAMDev as the single allocation for Park Hall which is within the cluster of Park Hall, Hindford, Babbinswood and Lower Frankton. Policy S14.2(ix) advises that the cluster will provide for future housing growth of around 50 dwellings delivered through a specific site allocation at Park Hall for 20 dwellings (the application site). In addition to the allocation the housing guideline will be provided through limited infill and conversions on appropriate sites in the development boundaries.
- 6.1.3 Local objections have referred to a Government Inspector's report which they state concludes that the site should be for no more than 23 dwellings. This presumably is a reference to the outline application which proposed 23 dwellings. The outline was approved by the Council under delegated powers. Neither the Planning Inspector nor Government were involved. The Planning Inspector was involved in the SAMDev but did not comment on the number of houses for the application site. The figure of 20 within the SAMDev is a guideline and not an upper limit. The fact that the current applications propose more dwellings than indicated in either the SAMDev or the outline application is not a reason for refusal. Consideration of the access, layout and impact on amenities are the key issues to determine whether the number of houses is acceptable.
- 6.1.4 Objectors have also noted other recent approvals in the immediate area and consider that the community cluster guidelines have been met without the proposed site. This may be the case; however the site has outline consent and is also an allocated site for development. The principle has been accepted. Of the three sites quoted by the objectors the site at Wingate Way is for 100% affordable housing and therefore would not be considered as part of the housing guideline in the SAMDev. The Piggeries site was approved at a similar time to the outline on this site, between being able to give full weight to the old Oswestry Local Plan and the SAMDev, when greater weight was given to the NPPF. Officers acknowledge that the guideline will be exceeded but the issue can only be whether constructing more than 20 houses on this site results in unacceptable impacts. The issues, as noted above, are considered in detail later in this report.
- 6.1.5 With regard to affordable housing the current reserved matters application includes 3 affordable dwellings which the Council Affordable Housing Officer has confirmed is acceptable in principle and complies with the current SAMDev and SPD

requirements of 10% affordable housing. The tenure of the dwellings will need to be understood as part of the requirements of the S106 on the outline consent, it is not necessary to be detailed in the reserved matters application. However, the affordable housing officer has raised concerns that the affordable dwellings are shown in a late phase in the development which would not comply with the requirements of the S106 on the outline consent. This matter was discussed with the agent who confirmed that this phase of the development would be constructed earlier to comply with the S106. It is likely to be one of the first phases for the reasons given in the highway section below.

6.1.6 Local objections have also raised concerns about the capacity of infrastructure such as school places, water and foul drainage. Drainage is dealt with below. The Council Learning and Skills team have also advised that this development is likely to cause some capacity pressures at the local primary school. However, as noted by the Learning and Skills officer this will be addressed through the use of CIL. The development will be liable for CIL payment and this is expected to be used to provide for local infrastructure requirements in accordance with policy CS9 of the Core Strategy. The capacity of the local water provision is a matter between the developer of the site and the water provider.

6.1.7 Concern has also been raised that the development of the whole site has been submitted as 5 separate applications. There is nothing within planning legislation or guidance to prevent this. The applications have all been submitted at the same time and it is considered to be clear what the overall development of the site will be. Officers, consultees and local residents have been able to consider the impact of all five phases together. The concerns raised by residents that as five applications this will therefore negate the need for a new foul water system and upgrade to water supply is not a matter for planning. The water/ sewerage provider will need to assess the development as a whole and determine what upgrades are required. This is a separate matter between the developer and the sewerage provide. In allocating the site Severn Trent Water did not raise any objections in regard to capacity. The justification for submitting 5 applications is detailed in the design and access statement submitted with the application. It relates to the trigger for payment of CIL. The applicant has confirmed that they will be paying the CIL payment but wanted to be able to phase payment with the construction and sale of houses. If the application had come in as one application for 30 dwellings the CIL payment for all 30 would have been required on the commencement of the first. Splitting the proposal into 5 applications has meant that the CIL payments will be relevant to the scale of each phase.

6.2 **Layout, scale and design**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The design and access statement submitted with the application comments on density with reference to the recently approved development to the north of the site known as the Piggery. That nearby development is for 44 houses on a site of

2.17ha and therefore a density of 20 dwellings per hectare. The applications as originally submitted, in total, provided 30 dwellings on 2.9ha which is therefore 15.8 dph. The amended scheme reduces the number of houses by 3 and therefore also reduces the overall density. Although local objectors have commented that they consider the proposal is for too many houses this is based on the misconception that the outline consent was for a maximum of 23 dwellings and also reference to existing density. This second matter is considered below.

- 6.2.3 The layout of the whole site has been designed around a central area of open space which the applicant considers is similar to other parts of Park Hall where houses are provided near and overlooking open space. The proposed layout of the site will also improve pedestrian connectivity by providing footpaths through the site connecting Park Crescent, Larkhill Road and Artillery Road. This is considered to be a benefit to the wider community and the position of the open space is considered, by officers, to be appropriately sited. The area of open space is 1550sqm which it is acknowledged is less than the requirement within MD2 of the SAMDev but there are other areas of open space available in the wider area.
- 6.2.4 The layout, as amended, provides a mix of detached and semi-detached houses across all five phases. The parish council and local residents have raised concerns that the mix is not in keeping with the area, the existing houses on Park Crescent are all detached and the proposal includes semi-detached off Park Crescent; and that courtyard housing is not in keeping. However, the houses off St Barbaras Pace, Larkhill Road and Artillery Road are mixed with more semi-detached properties. The development does not have to copy existing form, layout or design. The existing houses are mixed, there are brick and rendered properties, there are detached and semi-detached. The layout as amended proposes predominately detached houses off Park Crescent with only three pairs of semi-detached houses.
- 6.2.5 With regard to this specific application it proposes three pairs of semi-detached houses off the end of Artillery Road laid at 90 degree angle to the existing dwellings. The existing housing on Artillery Road are semi-detached houses, linked by their garages, some of which have been converted to habitable rooms. All 6 plots will have space for two cars to park in front of each dwelling with a small area of garden and hardstanding between the house and the drive. Officers accept that these semi-detached houses are smaller than the existing semi-detached houses on Artillery Road, however, this is not considered to be unacceptable to officers and helps to blend the proposed development into all the parts of the existing housing around the site.
- 6.2.6 The indicative layout on the outline consent was purely for indication how the site could be developed. Officers consider that plan was poor as, although it showed detached houses off Park Crescent, there was no turning head provided and no pedestrian link through to either Larkhill Road or Artillery Road. Furthermore, the houses off Artillery Road were cramped, would have been too close to neighbouring properties and with a car park of 25 spaces adjacent to a smaller play area. The houses off Artillery Road shown on the indicative layout would have resulted in a greater density of development than is proposed in this current application. It is officer's opinion that the scheme now proposed is an improvement on the indicative layout whilst also providing more open space and more dwellings.

6.2.7 In terms of design these six houses provide three pairs of semi-detached dwellings, two identical pairs and one pair which turns so that one of the units faces over the agricultural access to the north. The design details are more traditional than the existing dwellings and include features such as finials, dormer windows and timber porches. This is intended to blend the details of the proposed new development with the existing housing in the wider area. The layout, which is at 90 degrees to the existing dwellings, helps to provide a break. As with the layout officers accept that the designs are different to the original Park Hall properties which were built for military occupation. However, there are other houses which have been built more recently which have added to the mix in the area. Overall officers consider that the whole of the site will provide a good quality development which mixes the existing housing in the immediate area and wider area.

6.2.8 Layout, design and appearance are subjective matters. Opinions can differ. The Parish Council and local residents view is clear from the level of objections which have been received. Members will need to consider whether they agree with the residents or officers. Officers consider that the layout, design and appearance are acceptable and will enhance the area. As such officers are of the opinion that the scheme complies with adopted policies.

6.3 **Impact on residential amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The development of the site should not result in unacceptable loss of privacy or light to existing dwellings or to the future residents of the site. It is not a matter of protecting views of existing properties or protecting properties from all overlooking or the feeling of overlooking. It is a subjective matter whether an impact is unacceptable or not. However, for ease officers regularly seek to ensure that there is at least 5m undeveloped around existing windows to ensure that the impact on right to light is not unacceptable and seek to ensure that there is around 21m between direct facing windows to ensure that the privacy of existing dwellings is maintained.

6.3.2 The front of all six plots will face towards 51 Artillery Road and its rear garden with driveways providing two spaces per dwelling and a small garden to the front of each of the new dwellings. The distance between the existing dwelling and the new houses will be approximately 16 metres. However, there are no windows in the gable end of the existing dwelling and this existing property also has garages and extensions along its domestic boundary. As such officers consider that the impact on this property will not be unacceptable and privacy will be maintained. and turning head and all face over the new road.

6.3.3 With regard to amenity of new residents the layout of these five dwellings will ensure that there is no loss of light or privacy. Accordingly the proposal is considered to comply with policy CS6 in regard to amenity.

6.4 **Highways, access, parking and footpaths**

6.4.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate

significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.

- 6.4.2 Three points of access are proposed to the development. The layout as amended across all five applications shows 17 houses served off Park Crescent, 4 off Larkhill Road and 6 off Artillery Road. As noted in section 4 above, even as amended, the number of houses being accessed off Park Crescent has raised a significant number of local objections. The Parish Council have also objected to the proposal on the basis of traffic safety, increased traffic and lack of infrastructure.
- 6.4.3 Prior to submitting the current applications the agent met with the planning officer and highway officer. Advice was given that the majority of the houses should be accessed off Larkhill Road and Park Crescent. Artillery Road has a sharp bend and narrow width and as such is not considered suitable for high numbers of houses. Following receipt of the plans the Highway Officer raised concerns about the junction of Park Crescent onto North Drive which has limited visibility to the north. It was recommended that the number of houses off Park Crescent be reduced. The agent met again with the Planning Officer and Highway Officer and discussed alternative house numbers and other options.
- 6.4.4 The provision of a traffic calming measure on North Drive was suggested and has been submitted as part of the set of amended plans. The proposal is for the provision of a “build out” which is a trapezium shaped kerbed area with a central plastic bollard. It reduced the road width and requires drivers travelling in a southerly direction to give way to those travelling in a northerly direction. It is necessary to have this feature to the north of the existing junction as this is required to improve visibility and will mean that traffic travelling south towards the junction of Park Crescent and North Drive will be visible to traffic waiting to pull out of Park Crescent.
- 6.4.5 Local objections have raised concerns about the position of the build out, both in terms of traffic safety, increase in speed for vehicles attempting to beat other traffic to the narrowed section and also impact on the amenities of the properties either side of this feature. As noted above the build out is required to the north of the existing junction to alleviate the existing limited visibility. Officers, and the local member, accepts that there are other areas in Park Hall which also require traffic calming as part of a wider assessment of traffic speeds but this is a separate matter to the current application. There is a potential for increased speeds from some vehicles, if this does become a significant problem alternative traffic calming can be considered by the Parish Council and Highways Department.

- 6.4.6 With regard to amenity and the use of existing driveways the build out has been shown in a position where it will not conflict with the use of any existing driveway entrance. The give-way will increase vehicles waiting outside existing dwellings, however waiting times will only be short, the existing dwellings are viewable from the public highway and footpath (on west side) and there are no parking restrictions preventing cars currently parking or waiting in the same position as the give way marking is proposed. The proposed bollard will be low and overall the build out feature is not considered to be visually intrusive.
- 6.4.7 As noted in the recommendation and section 4 above the final comments from the Council Highway Officer have not yet been received. However, the Principal Planning Officer has spoken to the Highway Officer, who was involved in the discussions with the agent. The principle of the proposed build out on North Drive is acceptable, the details would need to be worked up with highways under a S278 agreement as the work will involve works to the highway. With the addition of the build out the Council Highway Officer has verbally advised that they have no objection to the five applications under consideration. They have taken into account all five applications and the potential traffic impacts whilst also acknowledging that the site is allocated for housing development.
- 6.4.8 With regard to accessibility the agent considers the site is close to the recreational facilities at The Venue and Rugby club and near to employment such as a the hospital and BT. The village is also served by bus to Oswestry and Shrewsbury. It is acknowledged that the village does not have a shop, as noted by objectors, however it is close to the facilities available and is an allocated housing site with outline consent. The services and facilities around the site and in Oswestry are accessible.
- 6.4.9 Accordingly the site is considered to be suitable for housing development, the principle was accepted by allocation and the granting of outline consent. The improvements proposed to the existing highway and the layout and numbers of houses proposed will not result in highway safety impacts and as such the scheme complies with local policies and the NPPF.
- 6.5 **Ecology and trees**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. The potential for impact on protected species was considered in detail during the determination of the outline planning application and conditions were imposed accordingly to enable improvements to ecology.
- 6.5.2 As noted in section 4 above the Council Ecologist has confirmed, with regard to the 5 reserved matters applications, that they have no additional comments to make and will rely on the conditions on the outline consent. The conditions will ensure the protection of species and the enhancement of habitat. As such the development of this site would comply with the requirements of policy CS17 and the NPPF with regard to ecology.
- 6.5.3 With regard to trees the Council Ecologist has advised that they welcome the

retention of trees along the western boundary, and the additional native tree planting. The site was previously grazing land but does not appear to have been actively grazed recently. The site boundaries are hedges and fences and the application proposes to retain the existing hedges and provide additional planting to the boundaries and also around and within the proposed amenity space.

6.6 **Drainage**

6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The principle of connecting the foul drainage to the existing mains drainage system was accepted at the outline stage. Objections were raised by local residents at that time and are repeated on this application. However, as noted in the officer report for the outline application this is not a matter for planning, the sewerage provider is required to enable a connection to an existing mains foul system, any capacity issues would be a matter for the sewerage provider to resolve. No objections have been received from the sewerage provider.

6.6.2 The Council Drainage Engineer has advised that the drainage proposals for Phases 1 to 5 should be submitted for approval as a Whole Site before the development commences as per Drainage Condition 6 on Outline Application 17/03677/REM. The condition requires the details to be submitted prior to commencement. It does not require the details as part of the reserved matters applications. This information can be provided at a later date under an application for discharge of conditions. Any upgrades required to the local sewer network to enable connections to be made would have to be provided by the sewerage provider.

7.0 **CONCLUSION**

7.1 The principle for residential development has already been agreed through the allocation of the site and the granting of outline planning consent. It is considered by Officers that the proposed layout, appearance and landscaping of the scheme will respect the character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk Management**

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

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

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **BACKGROUND**

Relevant Planning Policies

National Planning Policy Framework

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

Settlement: S14 - Oswestry

Relevant planning history:

13/01643/OUT Outline application for residential development (all matters reserved) GRANT
27th August 2014

17/03677/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of three dwellings (Phase 1 : Plots 1-3) with garaging and formation of parking spaces PCO

17/03678/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Phase 2 : Plots 4-10) with garaging and formation of parking spaces PCO

17/03679/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of eight dwellings (Phase 3: Plots 11-18) with garaging and formation of parking spaces PCO

17/03680/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 4: Plots 19-24) with garaging and parking spaces PCO

17/03690/REM Application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Phase 5: Plots 25-30); formation of parking spaces PCO

11. ADDITIONAL INFORMATION

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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.

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

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

3. No development shall take place until a Construction Method Statement (incorporating a Traffic Management Plan) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for: -

- the parking of vehicles of site operatives and visitors loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

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

4. The materials to be used in the construction of the external walls shall be as detailed on the correspondence received 1st July 2016 in relation to application 16/02759/DIS.

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



Committee and Date
 North Planning Committee
 14th November 2017

Item
11
 Public

Development Management Report

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

Summary of Application

Application Number: 17/00887/FUL	Parish:	Selattyn And Gobowen
Proposal: Installation of a temporary access track and upgrade of existing farm entrance, for the purpose of delivery and construction of a proposed renewable energy park		
Site Address: Cefn-Y-Maes Rhydcroesau Oswestry Shropshire SY10 7JB		
Applicant: Cefn Y Maes Community Renewable Energy Park Limited		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 323836 - 332017



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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 the construction of a temporary access track and the upgrading of an existing farm entrance. The track is being proposed in connection with a planning application that has been submitted to Powys County Council for a renewable energy park on a site to the north-west in Wales. That planning application is currently undetermined. The purpose of the track is to provide a route to the proposed energy park for vehicles that would be associated with the construction of the proposed energy park. Whilst the energy park is located in Powys, the proposed means of access to it by construction vehicles is predominantly across land within Shropshire.

1.2 The track would be 6 metres wide, and constructed of aluminium or plastic interconnecting panels. It would run between the existing farm entrance adjacent to the public highway and the energy park; a distance of 2.3km. The first part of the track, between the public highway and the property at Cefn y Maes, would follow the line of the existing access track. From there it would cross largely unsurfaced fields to the energy park site. The delivery of the road sections would be made by 73 HGVs. The existing farm entrance would be widened to allow large vehicles to turn to/from the public highway. This would include the creation of a bellmouth at the eastern side of the entrance. Once the construction of the proposed energy park has been completed the track would be removed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies at Cefn y Maes, approximately 450 metres to the north of the settlement of Rhydycroesau and approximately 4km to the west of Oswestry. The site lies in a sparsely populated upland area, comprising predominantly grazing land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation. One of the Local Members, Councillor Robert Macey, has requested that the application is determined by Planning Committee. The Principle Officers in consultation with the Committee chairman and Local Member has agreed that the Parish Council has raised material planning issues and that a decision by Planning Committee is appropriate.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments**

4.1.1 **Selattyn and Gobowen Parish Council** Objects. The Parish Council express their ongoing concerns regarding the scale, volume and routing of vehicles and site traffic.

The Parish Council previously raised concerns that the proposal raises serious road safety considerations due to them being extremely narrow and steep in places. The Council stated that the proposed routes cannot take anywhere near the quantity or size of vehicles that would be required to deliver and construct the proposed energy park without endangering other road users.

Updated comments:

The Parish Council were re-consulted following the submission of a draft Traffic Management Plan, and have provided the following additional comments.

- The name 'Community Energy Park' is misleading; would query what the community involvement is; the community is objecting to it and the electricity generated on site is not going to the locality
- The proposed delivery window is too wide - 07.00 to 19.00 will unduly impact on school runs and home journeys. Preferable to have 09.30 to 15.00
- The road surface in times of wet weather needs to have more frequent checks than currently proposed. The checks should be documented and the time and name of person carrying it out recorded and the register should be made available for inspection at any time
- In the event of a dirty/muddy road the sweeping should be controlled by the police not the site operators, only when they are satisfied should sweeping cease, in the interests of the safety of road users
- The definition of the peak traffic flow period is not defined, we need further detail
- The co-ordination of movement activities should be done by Cefn-y-maes community solar park and not the supplier of the solar panels. A single contact person and deputy should be designated with full 24 hr telephone access. The contact details should be clearly displayed at the site entrance so that any issues can be promptly registered with the site operator. The caller should be issued with a reference number so as to facilitate any necessary follow up. This notice should be clearly visible at all times and protected from the elements
- The use of articulated HGV is not acceptable on the narrow country lanes, deliveries to site should be on rigid body lorries of an appropriate type
- The reporting of incidents - the proposed timeline for feedback is not satisfactory. Preliminary report 24 hrs, Final report 7 days, Technical Report 14 days. Following an incident all deliveries should cease until the causation and deficiencies have been fully investigated and a methodology put in place to ensure that it cannot happen again. To have a period of 14 days before all details are made available is neither acceptable nor professional's. Safety of road users is paramount. If procedures are adequate there will not be an incident therefore there cannot be any reason to object to this request.

4.1.2 **Oswestry Rural Parish Council** (adjacent parish) Objects.

The Parish Council has considered the proposed routing of vehicles and the access point from the highway, and noted the following

- The concerns raised by Shropshire Council's Highways Dept in its report dated 13 April particularly the underestimation of the number of HGV movements
- The impact on roads and country lanes (including verges and trees) clearly not suitable for the proposed size and volume of vehicles

- The hugely disruptive nature of all vehicle movements (not just HGV) on: local businesses, tourism, the natural environment and residential dwellings on and close to the route (noise and structural damage)
- Road safety on the whole route. The A5 and A483 have an acknowledged accident history
- The lack of local community support for the proposal.

4.1.3 **Powys County Council (adjacent planning authority)** No comments made.

4.1.4 **SC Highways Development Control** No objections subject to a condition.

The applicant's agent has requested that only the access widening and temporary access track should be considered by Shropshire Council but confirms that this proposal is interlinked with the Renewable Energy Park proposal in Powys.

The further Supplementary Environmental Report confirms that the wind turbine and hardstanding has been removed from the development, leaving the originally proposed solar farm (2,588 panels) and associated access, buildings/equipment.

The removal of the wind turbine, while significant in terms of the removal of the abnormal load traffic associated with the delivery and erection of the structure, is not considered to significantly affect the consideration of the access track as a stand-alone proposal under this application.

The access widening and construction of the temporary access track will in itself require a number of HGV movements which are detailed in the letter. It is considered that the management of the construction (HGV) traffic will be required and a condition is, therefore, suggested below requiring a Construction Traffic Management Plan (CTMP) to be submitted and approved. It is also considered that the access track works are unlikely to be implemented unless the amended Renewable Energy Park application is approved by Powys County Council.

The widening of the access shown in Figure 6.7 should be able to be implemented under a Section 184 (Highways Act 1980) licence/agreement and an informative note is provided below for contact details.

It is considered that the CTMP should confirm the duration of the construction of the access track and consider measures and mitigation along the defined route (Fford Cefn y Maes) between the B4580 junction and the site entrance, i.e., the previously suggested pre/post-construction surveys of the road and a scheme to rectify any damage caused during construction. This is considered to be proportionate to the proposal as it is likely that the temporary access track would only be implemented if the Renewable Energy Park application had been approved, with any Highway measures or mitigation simply preceding the further energy park construction and highway requirements which would still be required even with the removal of the wind turbine.

It is noted that there appears to be a discrepancy in the HGV movement figures stated in the "Traffic & Transportation" section of the Engena letter in respect of the delivery of the access track panels, with 67 HGV movements being required (rather than 134) however, this can be clarified in the requested CTMP (see condition in

Appendix 1).

4.1.5 **SC Ecology** No objections subject to conditions.

Reptiles: The presence of reptiles within the proposed works area is considered unlikely but as some suitable habitat will be affected by the proposals it is appropriate that safe working methods are put in place to ensure no reptiles are harmed. These methods should include habitat modification (e.g. cutting and maintaining the vegetation to just above ground level prior to works if the sward has been allowed to grow) to discourage reptiles from occurring and clearing these areas when reptiles are usually active (March to October inclusive). If the stone piles on the sites eastern and southern boundaries are to be removed they should be dismantled carefully (by hand if possible) with an ecologist present to search for reptiles. The stones should be moved to areas immediately adjacent to site boundary (i.e. adjacent to the scrub to the north-east of the site) so that these potential hibernacula are not lost. If any reptiles are found these will be moved to appropriate habitat away from the development site. During construction, any storage of piles of materials and excavated earth on the site should be kept to a minimum and away from the boundaries to deter reptiles from using them for temporary cover.

Badgers: No badger setts were recorded during the site visit however the grassland provides suitable habitat for setts to be created. The site also provides suitable habitat for foraging and commuting Badgers with a single distinct Badger path noted along the eastern boundary. No further evidence of Badger activity, such as latrines or snuffle holes were recorded, however setts are known to be present within 1km of the proposed development.

Although significant negative impacts on Badgers are not predicted it is recommended that mitigation measures are put in place to ensure foraging Badgers do not become trapped within any excavation works associated with construction. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Great Crested Newts: Due to the distance of the nearest pond from the proposed works (500m and over), poor connectivity between ponds and the proposed works and extent of the suitable Great Crested Newt habitat affected by the proposed works, it is considered very unlikely that Great Crested Newts will be present. The proposed development site will therefore have no negative impact on this protected species.

Nesting Birds: The trees are suitable for nesting birds, although at the time of survey no nests were noted and the presence of ground nesting birds in the areas of improved grassland affected by the proposals is considered unlikely.

Otter: The majority of works will take place within the area of improved grassland and as long as appropriate pollution control and drainage methods are adhered to there will be no significant negative impacts on local watercourses and as such no significant negative impacts on Otter are anticipated.

Bats: No recommendations relating to enhancements for bats directly adjacent to

the proposed turbine have been made as efforts to actively encourage bats into the vicinity of an operational turbine would potentially bring more bats into harm from the operational turbine. Enhancements will be made however to the hedgerows along western and southern boundaries of the field to the south of the development site. This will increase ecological connectivity in the vicinity of the proposed development site without creating an enhanced commuting route close to the operational turbine.

A condition is recommended to require the submission and approval of a Construction Environmental Management Plan (see Appendix 1).

- 4.1.6 **SC Drainage** No objections. The Agent has confirmed that the temporary access track would be semi-permeable and the site entrance will slope away from the highway. The temporary access track is therefore acceptable from the drainage perspective.
- 4.1.7 **SC Archaeology** No objections. The proposed development is understood to comprise a temporary access track and upgrades to an existing farm entrance to facilitate the construction of a proposed renewable energy park. The park itself will be sited in Powys, Wales and is subject to a separate planning application which is currently being considered by Powys County Council as the relevant Local Planning Authority.

It is understood from Chapter 6 (Development Proposal) and Chapter 7 (Construction, Operation and Decommissioning) of Volume 2 of the Environmental Statement that the existing farm track will be utilised to the Cefn-Y-Maes farmstead. The temporary sections of the trackway will be constructed using either aluminium or plastic, which will be delivered to site either in interconnected panels or on a roll by standard HGVs. It is understood from paragraph 6.22 of Chapter 6, Volume 2 of the Environmental Statement that these sections of the trackway will sit on the surface and not require any excavations or other significant ground works.

It is further noted that the proposed energy park will be connected to the Local Distribution Network via an underground cable from the sub-station to the selected connection point. However, Chapter 6 of Volume 2 of the Environmental Statement makes it clear that these works will be the responsibility of Scottish Power Energy Networks. As such, they will form the subject of a separate planning application if necessary and do not therefore form part of the current planning application.

It is understood that Shropshire Council has been consulted by Powys County Council on the planning application relating to the renewable energy park facility itself. Further, that Shropshire Council will therefore be submitting a formal consultation response, including in relation to impacts on the historic environment. Consequently, the following advice relates solely to the works for the temporary access track within Shropshire and not to the main scheme.

Given that the temporary sections of the access track will be installed without the need for any ground works, any archaeological impact will be negligible. Likewise, it is considered that the alteration to the entrance to the existing farm track will not have an archaeological impact. Consequently, we have no further comments to make on this application in relation to archaeological matters.

We would, however, note that any the trenching within Shropshire for the cables to connect the energy park to the Local Distribution Network will pass through an area whose archaeological potential remains untested. We would therefore recommend that any such works in an upland location such as this are subject to appropriate archaeological mitigation

4.1.8 **CADW – Welsh Government’s historic environment service** No comments to make. The proposed access track comes no closer than c 2km to any designated historic assets; consequently it will not have any affect upon them.

4.1.9 **SC Rights of Way**

It appears that the proposed access to the site will run along the track to Cefn Meas which is also Public footpath 105 before running up the existing access drive to Cefn-y-Maes . At this point the proposed access drive will cross footpath 107 before continuing to site. Whilst it does not appear that, both footpaths will to be directly affected by the proposal the health and safety of users is paramount at all times during and after construction. Further advice provided to be added as informative notes.

4.1.10 **Ramblers** Objects.

- Concern over consultations undertaken
- Concern over factual errors in the submitted planning application documents
- Query whether there is any mitigation proposed to ameliorate the severe damage that will affect walking routes
- The development will be very visible in a sensitive upland area
- Dangers to walkers, cyclists and horse riders due to construction traffic
- Impact of solar panels on ancient boundary stone
- Concern over precedent

4.1.11 **CPRE** Objects.

- Should be considered as a single project, including linked infrastructure
- Proposal does not specify means of exporting electricity
- Has not provided sufficient information to comply with the EIA Directive
- Access track should not be considered without reference to effects of HGV and AIL transport
- Adverse visual effects of track
- Impact from traffic and HGVs
- Concern over routing of traffic through Oswestry and routing via very steep roads
- Route should have a dummy run

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition three properties in the vicinity have been directly notified. 54 objections have been received. Many of these raise issues that relate principally to the associated application for an energy park that is being considered by Powys County Council. A summary of the concerns raised by these objections is set out

below.

- Proposal cannot be considered in isolation from the main energy park application
- All new electricity pylons would be in Shropshire
- Major impact from delivery lorries, including many exceptional loads, some over 30 metres long and over 5 metres wide
- Will be necessary to widen some roads
- Impact on Oswestry town centre and traffic disruption
- No details shown of any pylons required
- No benefit to the community
- Traffic impact from delivery of machinery and materials
- Adverse noise from traffic
- Track will open up countryside to more motorcyclists and 4x4 clubs
- Long term landscape impact
- Impact on pony trekkers, ornithologists, and hikers
- Impact on hedgerows from widening of lanes
- Impact on tourism
- If permitted, track should be removed and the land restored at end of temporary period
- Concern over public safety on public highway and consideration of these issues by the Council's highways consultant

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Historic environment considerations
- Ecological considerations
- Highways and access; local amenity considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed track would provide temporary access for vehicles associated with the construction of a renewable energy park which is being proposed on nearby land in Powys. Core Strategy policy CS5 allows for infrastructure sited within the countryside where this cannot be accommodated within settlements. Core Strategy policy CS8 provides support for infrastructure where this has no significant adverse impact on recognised environmental assets. The proposed energy park application is being determined by Powys County Council and it is not considered that the merits of that scheme are relevant to this application under consideration. In principle the construction and retention of the track for a temporary period is acceptable. The land use impacts are considered below.

6.2 Siting, scale and design

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

- 6.2.2 The temporary access track would be required in support of the construction of the proposed energy park only, following which time it would be removed. The applicant is agreeable to a condition which requires the removal of the track within nine months or once electricity generation has commenced, whichever is sooner. Whilst the track would result in a change to the landscape fabric of the area this would be for a relatively short duration only. This change would be fully reversible upon removal of the track. Visibility of the track from public viewpoints would be limited to nearby public footpaths. Given the scale and limited time that the track would be required it is not considered that any adverse impacts on the landscape character of the area would be significant. It is also considered that a condition should be imposed to require that details of the reinstatement of the site entrance is submitted for approval, in order to minimise any long term impact from a widened access in this rural area.
- 6.2.3 The applicant has advised that the temporary access track is only required in connection with the construction of the proposed energy park. Should permission for that be refused then the temporary access track would not be required.
- 6.3 **Historic environment considerations**
- 6.3.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.3.2 Archaeological impacts would be negligible given that the track would be laid on the ground surface and no groundworks would be necessary.
- 6.4 **Ecological considerations**
- 6.4.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.
- 6.4.2 The temporary access track would lay on the land surface and may have a temporary adverse impact upon the underlying grass. Once the track has been removed and the grass has restored the impact is anticipated to be neutral. Where possible the route of the track has followed the route of the existing farm tracks to minimise impact upon ecological habitat. The route of the temporary track has been considered as part of the wider ecological assessment of the energy park scheme which is contained within the Environmental Statement for that application.
- 6.4.3 Based upon the desk top and site surveys undertaken, the Council's Ecologist has not raised any significant concerns. It is considered that mitigation and precautionary measures are put in place to minimise ecological impacts. These can be secured through approval of a Construction Environmental Management Plan as part of an appropriate planning condition.
- 6.5 **Highways and access; local amenity considerations**
- 6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take

place where there is sufficient existing infrastructure capacity.

- 6.5.2 There are three principal highways and traffic related issues for consideration. The proposed widening of the site entrance; the construction traffic involved in the delivery of the access track panels; and the construction traffic associated with the construction of the proposed energy park in Powys. In relation to this latter issue, it should be noted that the current application relates to the temporary access track only. As such it is considered that matters concerning construction traffic that would deliver components for the energy park itself should be assessed as part of the Powys County Council application and not as part of the current track application. The Council has been consulted on that application and has provided recommendations to the County Council on traffic issues. Nevertheless it is acknowledged that the two elements, including matters relating to traffic management for the whole scheme, are interlinked.
- 6.5.3 The Council's highways consultant has not raised any issues with the widening of the existing farm access track. In terms of traffic the total number of HGV movements associated with both the temporary track and the associated energy park is anticipated to be 444 over the course of the four month construction period. Of these approximately 276 (138 HGVs) would be associated with the delivery and subsequent removal of the track panels.
- 6.5.4 The application for the energy park originally included the installation of a wind turbine and this would have necessitated the delivery of some components by exceptional loads. This element of the energy park application has now been removed, hence there is no longer a need for these larger delivery vehicles. Most of the deliveries, including those relating to the track panels, would be made using rigid HGVs. However a limited number of articulated lorries are likely to be required.
- 6.5.5 The primary route to the site by construction vehicles from the A5 would be through Oswestry and along the B4580 to Rhydycroesau. The local concerns raised over the potential impacts of this construction traffic, including by the Parish Councils, are acknowledged. Officers agree that the proposal is likely to result in some adverse impact on the local highway network, particularly given the width and alignment of some of the roads and also the need to pass through the town. Officers have discussed with the applicant's agent potential opportunities to minimise these impacts. Nevertheless on the basis of the assessment above Officers consider that there is no fundamental objection to the construction of the temporary track and as such it is appropriate to seek to address concerns over construction traffic through a Traffic Management Plan to be agreed as part of a planning condition.
- 6.5.6 The applicant's agent has prepared a draft Traffic Management Plan and the Parish Council's comments on this, as set out in section 4.1.1 above, are noted. It is anticipated that management would include the following:
- Any articulated HGVs to use the alternative route that avoids Oswestry town
 - Advance notification/publicity of the construction period
 - HGV deliveries to avoid peak times
 - Convoys to be restricted to a maximum of three vehicles
 - Wheel washing facilities to be provided at the site entrance

6.5.7 The Council's highways consultant has advised that the Traffic Management Plan should include pre- and post-construction surveys of the public highway between the B4580 junction and the site entrance, and a scheme to rectify any damage caused during construction.

6.5.8 Should planning permission be granted for the temporary track the Parish Council can be consulted on any Traffic Management Plan submission, in view of their continued concerns and in order to continue discussions over detailed management measures that may be necessary.

7.0 **CONCLUSION**

7.1 The proposed access track would facilitate access by construction vehicles should planning permission for an energy park on an adjacent site in Wales be granted by Powys County Council. Whilst the two applications are interlinked they are required to be considered separately and the merits of the proposed energy park are not relevant to the application for the temporary track.

7.2 The track itself would be removed after no longer than nine months and the temporary impacts would be limited in duration. Reinstatement works would be undertaken to the widened access point upon completion of construction of the energy park. Notwithstanding concerns over highways impacts from construction traffic it is appropriate for such matters to be dealt with as part of a Traffic Management Plan which can be prepared in line with the measures agreed in principle to date, and as the detailed elements of the construction method are drawn up, should permission for the energy park be granted.

7.3 Subject to the conditions set out in Appendix 1 it is considered that the proposed temporary access track is acceptable in relation to Development Plan policies and other material considerations, and that planning permission can be granted.

8. **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9. Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD8 - Infrastructure Provision
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

None.

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 R. Macey
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Local Member Cllr Robert Macey Cllr Mark Thomas Jones

Appendices APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a Construction Traffic Management Plan (Method Statement) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan/Statement shall be adhered to throughout the construction period and shall provide for: -

- Pre and post construction surveys of Fford Cefn y Maes, including the B4580 junction, to the improved site entrance along with a scheme of works to protect or mitigate damage to the Highway areas and including a timescale for undertaking any works following the completion of the development
- the duration of the construction and number of vehicle movements
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a traffic management and HGV routing plan

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

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

- f) Identification of Persons responsible for:
- i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.
- All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

5. No construction work shall commence until a scheme of reinstatement, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority, for the modified site entrance associated with the Renewable Energy Park.

Reason: To conserve rural character in the vicinity of the development.

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

6. The temporary access track shall be removed from site following nine months from its initial implementation on site (date to be provided to the Local Planning Authority with photographic evidence), or within four weeks following first generation from the associated Cefn y Maes Community Renewable Energy Park, whichever is sooner.

Reason: To protect the visual character of the area.

Informatives

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

2. Works on, within or abutting the public highway
This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together with a list of approved contractors, as required.

3. Wild birds

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

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

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

Great Crested Newts

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

Wildlife

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Badgers

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

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

Reptiles

If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered

should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

Bats

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

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

4. The applicant must ensure the following:

- 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.

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Committee and Date
 North Planning Committee
 14th November 2017

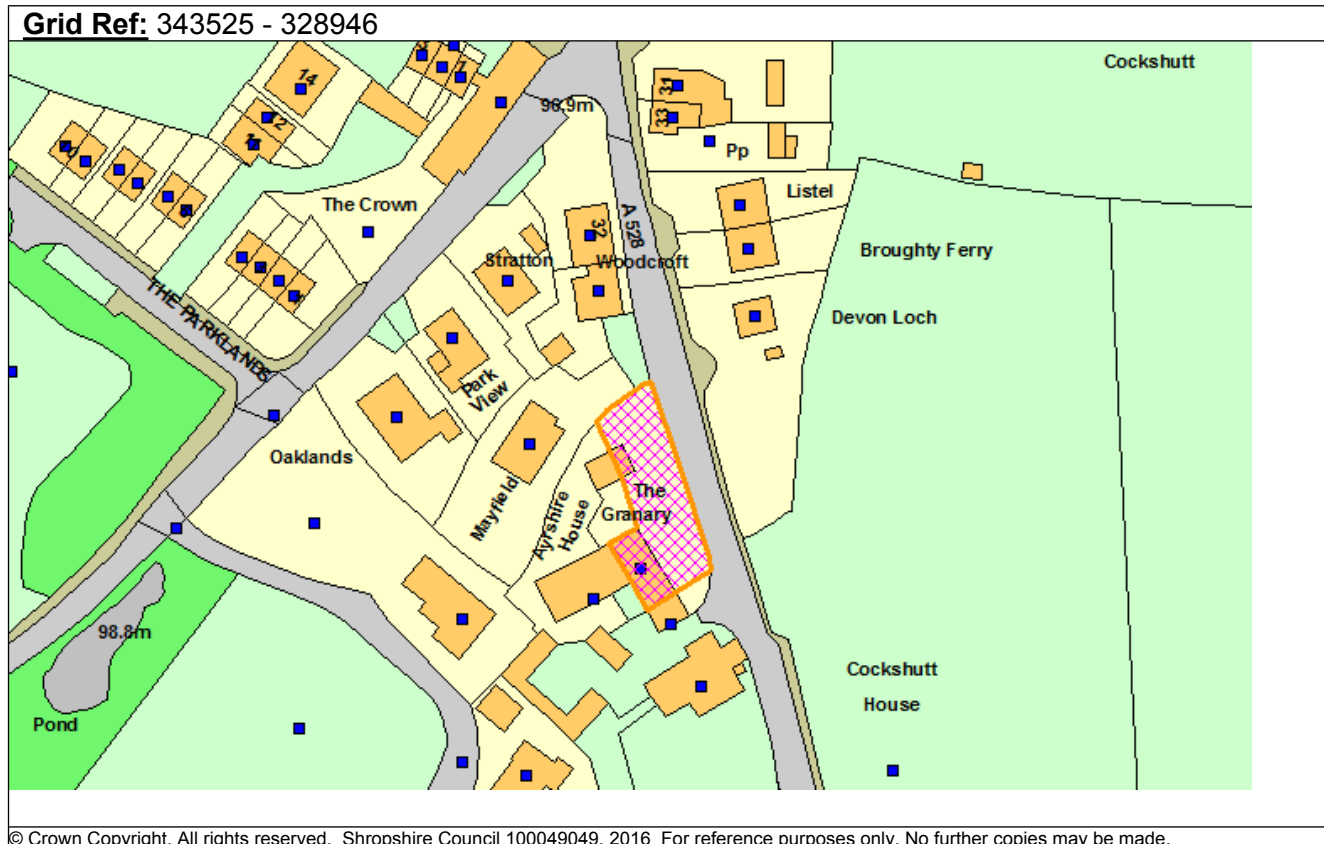
Item
12
 Public

Development Management Report

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

Summary of Application

Application Number: 17/00157/FUL	Parish:	Cockshutt-cum-Petton
Proposal: Removal of external unsafe granary steps, insertion of 2 new windows and alterations to existing ground floor side window		
Site Address: The Granary Shrewsbury Road Cockshutt SY12 0JH		
Applicant: Mr Barnes		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	



Recommendation:- Refuse.

Recommended Reason for refusal

1. It is considered that the removal of the external steps and insertion of two new windows would result in the loss of a significant historic feature within the overall design and distinctive architectural style of the building. The Local Planning Authority considers this would dilute the character of the building, harming its significance and diminishing its value as a local heritage asset. The application is unsupported by a Heritage Assessment to demonstrate or provide justification otherwise. On balance, therefore, the application is considered contrary to adopted planning policies CS6 and CS17 of the Shropshire Core Strategy; MD2 and MD13 of Shropshire SAMDev Plan and the Supplementary Planning Document on the Type and Affordability of Housing, together with the national guidance set out in section 12 and paragraph 135 of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the removal of a series of brick and stone external steps to the front elevation of a previously converted barn. Following the steps removal two new windows are then proposed to be inserted into the building to provide increased levels of light to the applicant's living room.
- 1.2 The former Granary building was converted into two residential dwellings in 1989 under planning application number NS/89/01206/FUL. The dwelling the subject of this application is the road facing section of this L-shaped building.
- 1.3 Condition 4 of planning permission N/89/01206/FUL removed the permitted development rights from the building. Therefore any changes to the building from the specification shown on the originally approved conversion plans would require planning permission to first be obtained. The reasons for removing the permitted development rights was to protect the integrity of the historic building in the interests of visual amenity.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies within the parish of Cockshutt and the building occupies a position central in the village. The front elevation of the building is clearly visible from the main road through the village.
- 2.2 The Granary is likely to be a mid C19 former agricultural building and is constructed of brick under a slate roof. The building appears to have historically functioned as a threshing barn with grain store over. The building appears to have formed part of a courtyard farmstead associated with Cockshutt House to the south. Due to its architectural and historic interest, and the contribution it makes to the historic agricultural character of the area, the farmstead as a whole would be considered as a non-designated heritage asset as defined within annex 2 of the NPPF.

2.2 Access to the property is via a shared access onto a driveway which is used by the applicant and his adjoining neighbour. The driveway continues directly past the gable end of the applicant's dwelling, although this portion is not in the applicant's ownership, instead belonging to the neighbour. The applicant has the main window to his lounge facing directly over the neighbours section of the driveway. In recent times the neighbours has parked vehicles directly outside the applicant's lounge windows, as is their right to do so. This has instigated the applicants wish to remove the steps and insert an additional window away from the parked vehicles .

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Officer recommendation of refusal is contrary to the views of the Parish Council, who support the application. The views of the Local Member have been sought. Councillor Williams has consequently requested that the application be considered by the Planning Committee.

3.3 The matter has been referred to the Chair/Vice Chair of the North Planning Committee in consultation with Principal Officers. It has been agreed that the application should be presented to the Committee for consideration as the case raises significant issues in relation to the buildings' character and the building is a non-designated heritage asset.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SC Conservation** – Object to the application as the proposal will cause harm to the significance of the Granary, a non-designated heritage asset, with very limited justification or assessment provided. The application is therefore considered contrary to MD13 of SAMDev, and paras 128 and 135 of the NPPF. As such, the application cannot be supported from a conservation perspective.

It is felt that the physical fabric of the building, and the features/layout which clearly define its appearance as a former Threshing barn/ Granary form the principle aspects of its significance as a non-designated heritage asset, and therefore removal of the steps could clearly be argued to diminish this significance. Also, whilst the opening at the top of the steps has been altered to form a window, the opening (which presumably was historically a door) does partially still survive in this location.

Whilst it is appreciated that the supporting information notes that the steps are structurally unsafe, no detailed information has been provided to demonstrate that this is the case, and that they are not capable of repair. Removal of cementitious pointing, and fitting of improved weathering details to better shed water (as well as removal of Ivy/vegetation which may well be exacerbating the situation) may help to ensure the steps do not cause issues with dampness internally.

4.2 Public Comments

4.2.1 **Parish Council** - At the meeting of Cockshutt cum Petton Parish Council held on 9 February 2017 it was resolved to support the application.

4.2.2 **Public representations** - No representations received at time of writing report.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Detail, design and impact on non-designated heritage asset
- Other material considerations

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 The building concerned was granted planning permission to be converted into two dwellings in 1989. At that time one of the planning considerations would have been to ensure that the change of use did not result in any detrimental impact on the agricultural character that the barn possessed. As such the extent of alterations were kept to a minimum as unsympathetic or too many alterations would dilute the agricultural character of the barn and could easily make it look excessively domestic in its appearance. It would have also been the intention to retain as many of the original features as possible. In this case one of the original features is the external steps. Although they were not given a purposeful use in the conversion scheme they still add to the character of the building providing an indication to how the original historic building would have been used.

6.1.2 The building's conversion was approved having secured a scheme that was deemed to be sufficiently sensitive to the historic character of the building. To maintain this the permitted development rights were removed; this requires applicants to apply for planning permission for alterations that would not normally need permission such as new windows, small extensions etc. This enables the Local Planning Authority to retain control over the type and appearance of any future additions or alterations.

6.2 Policy and principle of development

6.2.1 The proposal falls to be considered against the following adopted local planning policies: Core Strategy Policies CS6 and CS17, SAMDev policies MD2 and MD13 ; the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the national policies and guidance set out in the National Planning Policy Framework (NPPF).

6.2.2 Whilst the original conversion scheme took place some 20 plus years ago the same principles and objective for barn conversions apply today. Namely preserving the character and appearance of such non-designated heritage assets. It is also recognised that redundant buildings, especially agricultural buildings, need to be put into an alternative use if their long term future is to be secured. However all of the policies referred to above set out the requirement for preserving heritage assets because of the contribution they make to the character and appearance of the area.

- 6.2.3 Policy CS5 supports residential conversions where there is respect for the heritage asset, this is also required by Policy CS17. This typically involves retaining historic features, layout and patterns of fenestration as far as possible, in order for the former use of such buildings to remain clearly legible and to preserve their significance as heritage assets. The removal of features and the introduction of new openings is generally resisted, such alterations can have the potential to result in an overly domestic appearance, causing harm to the character of the building. This is not just a policy requirement at the time of the granting the original planning permission but it must also be a consideration for any subsequent applications. To allow such alterations or removal of historic fabric at a later date, without adequate justification, would undermine the original objective of the planning policy.
- 6.2.4 The NPPF sets out in paragraph 126 how heritage assets are an irreplaceable resource and how they should be conserved in a manner appropriate to their significance. It goes on to set out, in paragraph 135 how a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.2.11 The main issue therefore is the impact of removing the external steps, the steps combined with other features on the building clearly contribute towards the character of the building and its historic use.

6.3 **Detail, design and impact on non-designated heritage asset**

- 6.3.1 The Councils' Historic Environment Team has been consulted on the application. Regard having been given to the relevant planning policies, the Conservation Officer has consequently submitted the following comments, which are quoted in full, in relation to the detail, design and impact on character:

-In principal the sensitive adaptation and re-use of redundant historic agricultural buildings can be supported from a conservation perspective, where re-use will ensure their future conservation as important elements within the historic rural landscape.

-A sensitive approach to re-use is recommended, which retains historic features, layout and patterns of fenestration as far as possible, in order that the former use of such buildings remains clearly legible, to preserve their significance as heritage assets. The removal of features and introduction of new openings is generally resisted, as such alterations have potential to result in an overly domestic appearance, causing harm to the character of the building.

-No real justification has been provided for removal of the granary steps, which will clearly result in the removal of a distinctive historic feature which is important in gaining an understanding of the historic function of the building. It has been noted on the proposed plans that the steps are dangerous, although no information has been provided to support this. It is recommended that the steps are retained and repaired if required.

-The introduction of the proposed additional windows is considered inappropriate, and it is felt that this will dilute the distinctive character of the building, resulting in

an overly domestic appearance.

-If additional light is desired, we would recommend looking at alternative options- for example what appears to be the former threshing doors are currently entirely clad in timber- larger areas of glazing could be introduced into this area without causing harm to the character of the building, and the internal living spaces re-ordered around this.

Recommendation:

As currently proposed we have concerns that the proposal will cause harm to the significance of the Granary, a non-designated heritage asset, with very limited justification or assessment provided. The application is therefore considered contrary to MD13 of SAMDev, and paras 128 and 135 of the NPPF. As such, the application cannot be supported from a conservation perspective.

- 6.3.2 Paragraph 128 of the NPPF requires an applicant to describe the significance of the heritage assets affected, including any contribution made by its setting. The applicant has provided some assessment of the building and the reasons for wanting the steps to be removed. The applicant has stated that the steps are structurally unsound and that they are in too poor of condition to be repaired. The agent also advises that the steps are causing damp problem inside the dwelling.
- 6.3.3 It is evident that the steps have suffered from a lack of maintenance over the years and have become substantially covered in ivy. The steps no longer have a functional purpose; originally they would have provided access to a door at first floor level. This access was removed as part of the original conversion scheme when the door was changed to a window. This lack of use is likely to be the reason why the applicant has neglected to maintain the steps. Insufficient evidence has been provided to show that the steps could not be repaired. It is considered that the removal of cementitious pointing, and fitting of improved weathering details to better shed water (as well as removal of ivy/vegetation) is likely to help and ensure the steps do not cause issues with dampness internally.
- 6.3.4 The second issue which the applicant sights as a reason for wanting to remove the steps is because of the way that the light and outlook from the main lounge window is being blocked by the neighbour parking vehicles directly outside. The main lounge window faces north so the sunlight it receives is already significantly compromised. There are two very small windows either side of the steps; although the light these provide is extremely limited because of their size. It is Officer's opinion that these windows could be increased in size to allow more light into the lounge, rather than the complete removal of the steps and the insertion of two totally new windows.
- 6.3.5 The scheme as proposed would result in two areas of harm. Firstly, there is the loss of the physical historical fabric of the building. The steps are a feature that contributes towards the legibility the building and helps to clearly define its appearance as a former Threshing barn/ Granary. This is the principle aspect of its significance as a non-designated heritage asset. The second area of harm is caused by the insertion of the two new windows into the front elevation of the

building; this would give the building a significantly more domestic appearance. The arrangement and pattern of fenestration is a feature of historic buildings that helps to define its history. Barn type buildings typically have a limited number of openings when compared to residential development. When a scheme for the conversion of a barn is first being considered a key objective is to utilise the existing historic door/ window openings wherever possible and to severely restrict any new opening being created which can result in an overly domestic character. It is therefore considered that the removal of the steps plus the insertion of new openings would dilute the historic significance of the building and detrimentally harm its appearance as a heritage asset.

7.0 **CONCLUSION**

- 7.1 It is considered that the removal of historic fabric which is a significant feature within the overall design and character of the building and helps to define the former historic use of the building as a Threshing barn/ Granary would harm its significance and diminish its value as a local non-designated heritage asset. The harm to the character of the building would be further compounded by the installation of the two new windows in the front elevation which creates a more domestic character to the building.
- 7.2 Officers acknowledge the reasons why the applicant wants to remove the steps and insert new windows. However, it is considered that some of the problems could be overcome by the repair and future maintenance of the steps, the applicant could then consider increasing the size of the existing openings to allow more light into the lounge. Such a scheme would need to be considered on its individual merits were a planning application to be submitted in the future. It is considered by officers that on the basis of the evidence provided there is insufficient other material considerations to outweigh the harm caused by the removal of the steps and the insertion of the windows. The application is therefore recommended for refusal.
- 7.3 The application is unsupported by a Heritage Assessment to demonstrate or provide justification otherwise. Therefore on balance, the application is considered contrary to adopted planning policies CS6 and CS17 of the Shropshire Core Strategy; MD2 and MD13 of Shropshire SAMDev Plan and the Supplementary Planning Document on the Type and Affordability of Housing, together with the national guidance set out in section 12 and paragraph 135 of the NPPF.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

NS/88/01073/FUL Conversion of barn into two dwelling units GRANT 19th December 1988

NS/89/01206/FUL Conversion of redundant agricultural buildings to form two dwellings and alterations to existing vehicular and pedestrian accesses GRANT 22nd January 1990

17/00157/FUL Removal of external unsafe granary steps, insertion of 2 new windows and alterations to existing ground floor side window PDE

NS/00/00674/FUL Replacement of front door and side light and replacement of wooden cladding to front elevation CONAPP 23rd October 2000

NS/92/00104/FUL Erection of 1.7m screen wall and construction of fish pond to Ayrshire house (formerly plot 2) and erection of 1.5m front boundary fence to The Granary (formerly plot 1) (retrospective PER 11th December 1992)

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Brian Williams
Appendices None

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Committee and Date

North Planning Committee

14th November 2017

Item

13

Public

Development Management Report

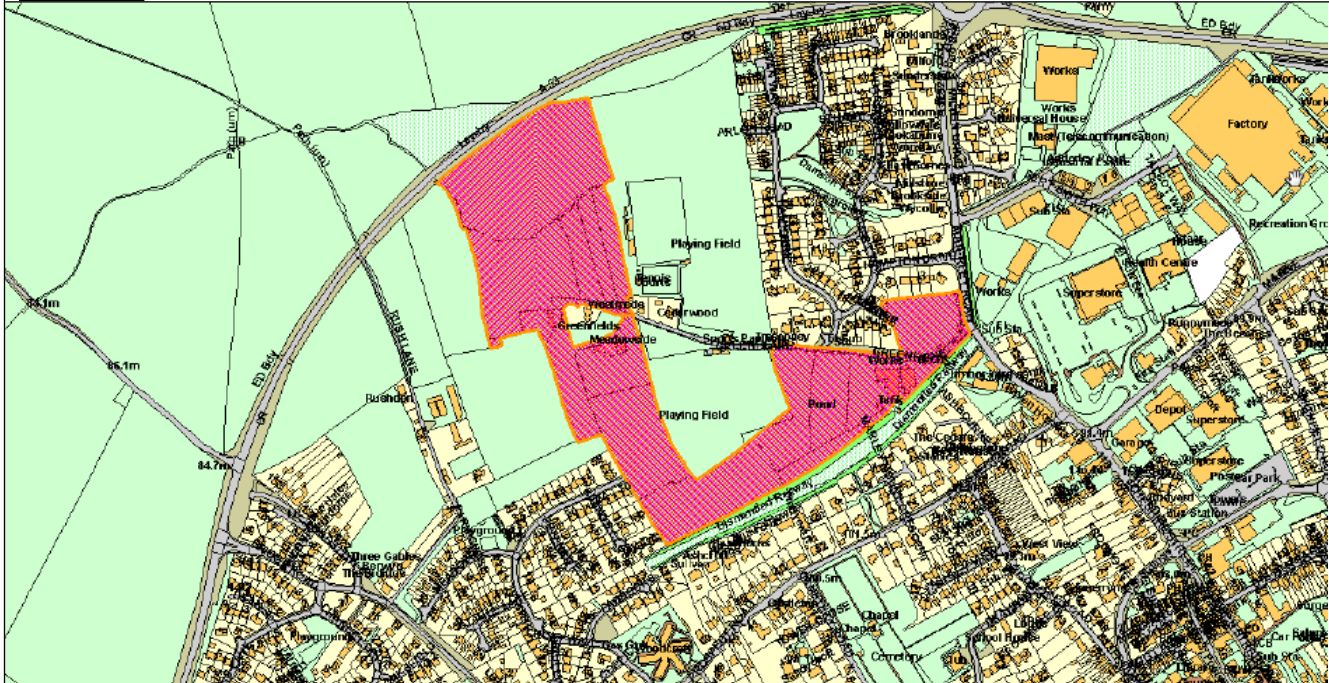
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/03782/OUT	<u>Parish:</u>	Market Drayton Town
<u>Proposal:</u> Outline application (access for approval) for the residential development of up to 250 dwellings; to include demolition of existing structures on site; formation of vehicular accesses from the A53 and Hampton Drive		
<u>Site Address:</u> Land Off Greenfields Lane Market Drayton Shropshire		
<u>Applicant:</u> Danbank Developments Ltd		
<u>Case Officer:</u> Karen Townend	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 366726 - 334685



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Recommendation:- Grant Planning Permission subject to the applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport and also subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This report relates to an outline planning application which was previously considered by members in November 2014, February 2015 and July 2015 for residential development of 250 dwellings on a 11 hectare site on the northern side of Market Drayton, on the inside of the A53. The application was originally presented to committee alongside an application on adjacent land to the west by Gladman Developments. The adjacent site has since been granted reserved matters consent and the housing is under construction. The application for this site is still pending a decision.
- 1.2 The July 2015 report was approved subject to the deletion of the proposed access off the A53 as the development of this site was required to be connected to the adjacent development site and served off the new roundabout provided by that development, and also from the existing estate road Hampton Drive. Members previously resolved to support the proposal.
- 1.3 This report is before members as the application site area has reduced and as Committee previously determined the application the changes to the proposal need to be considered by members. The change to the site area is the deletion of the land occupied by PD Stevens business. As such the applicant has also submitted a noise assessment to consider the potential impact on the future residents of the application site from the PD Stevens business which will remain. The previously approved site area is shown on page 1 of this report, the new site area is as follows:



2.0 SITE LOCATION/DESCRIPTION

2.1 This application site is L shaped around the existing sports pitches off Greenfields Lane and lies to the south of the A53. Greenfields Lane, which is a bridleway, runs through the site and is currently used by the existing businesses, sports facilities and a small number of houses. The sports facilities include rugby and football pitches and tennis courts and their associated buildings and structures. The disused Market Drayton railway line sits to the south of the site on an embankment with residential development to the south and the modern housing estate of Hampton Drive lies to the east.

2.2 The land is generally level with only a small change in fall but is lower than the A53 and also has Sych Brook, an existing watercourse, running across the site which itself is at a lower level than the surrounding land. One dwelling at the end of Greenfields Lane would be retained as it is outside the applicants' ownership. The site will be highly visible from the A53 and also from the surrounding housing development, including the new housing being developed to the west.

2.3 The site lies on the northern edge of Market Drayton, within the bypass formed by the A53. The town centre is south of the site and approximately 2km away. Market Drayton is identified in the Shropshire Core Strategy as a Market Town and as such a key focus for new development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application was previously considered by the members of the North Planning Committee. As such the changes to the proposal also need member consideration.

4.0 COMMUNITY REPRESENTATIONS – ON AMENDED SCHEME

4.1 Consultee Comments

4.1.1 **Regulatory Services – No objection.** Having considered the latest noise assessment which considers noise from existing noise sources on the proposed residential properties it is noted that the noise assessment finds that outdoor and internal areas can achieve acceptable noise levels by careful positioning and orientation. As a result we propose an additional condition, to require a noise mitigation plan to be submitted with the reserved matters application.

5.0 THE MAIN ISSUES

- Policy & principle of development
- Removal of part of site
- Impact on amenity
- Highways matters
- Other matters

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 The principle of developing the site for housing has previously been accepted by members resolving to approve the application in 2014 and 2015. The site is also an allocation site for housing development in the SAMDev. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF advises that proposed development

that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The development plan for consideration of this application is the Shropshire Core Strategy and the SAMDev. Policy CS3 of the Core Strategy notes that Market Drayton is proposed to have “substantial development that balances business development with housing development and enhances the town’s infrastructure and facilities and its role as a centre for food production”. As noted above the site is allocated as a housing development site in the SAMDev. The whole of the allocation is formed from three sites, two identified as ‘MD030’ and one identified as ‘MD010 and MD028’. All three have guidelines of the development being part of a coordinated scheme including access improvements, cycle and pedestrian links, provision of open space and a landscaped buffer along the A53. Overall the three sites together will provide an allocation of 400 houses. The current application forms part of all three sites.
- 6.1.3 The issue of providing a coordinated scheme was considered by members in July 2015 following the appeal decision on the adjacent housing development. The conditions as listed in appendix 1 include conditions which require the site to be developed up to the boundary to provide connecting roads through to the adjacent site to provide access for vehicles, cycles and pedestrians. This issue is not affected by the change now proposed to the site. The PD Stevens land does not affect the connectivity to the adjacent site and the remainder of the SAMDev allocation.
- 6.2 **Removal of part of site**
- 6.2.1 As detailed above this report is presented to members as the application site area has been changed. The land occupied by the business known as PD Stevens was previously part of the application site and the business was going to relocate and the all the buildings removed and the land redeveloped for housing. The business is no longer looking to move. As such the application for outline planning permission for housing has changed to remove the land occupied by this business.
- 6.2.2 This parcel of land is in the eastern corner of the wider application site. The removal of this part of the site will reduce the overall housing numbers deliverable on the site, however there is no reason that the land could not come forward for housing development in the future. It remains within the allocation and within the development boundary for Market Drayton. The removal of this part of the site, as noted above, does not affect connectivity to the adjacent housing development and the main access into the SAMDev allocation off the A53. It does not impact on the link to Hampton Drive estate or pedestrian access onto Greenfields Lane. As such it is officers’ opinion that the removal of this part of the site from the application is not detrimental to the overall outline application.
- 6.3 **Impact on amenity**
- 6.3.1 The key consideration of removing the PD Stevens land from the application site is the potential for the business to impact on the amenities of the future residents

of the application site. The proposal is for housing to the north and west of PD Stevens land. A noise assessment has therefore been submitted with the amended plan and considered by the Council Regulatory Services Officer. The report concludes that through orientation and layout of the housing the gardens and habitable rooms can be screened from commercial noise and as such the report does not consider that noise should be an issue.

6.3.2 In carrying out the assessment the consultant undertook noise measurements during daytime and night time periods measuring from within the business and within the application site. The report shows the noise levels and concludes that the noise is from HGV movements, fixed plant and the jet wash. Mitigation is proposed in terms of appropriate glazing to habitable rooms and orientating the housing so that private gardens are not backing onto the existing business (as a 3m high fence would not be acceptable).

6.3.3 The Council Regulatory Services Officer has no objection to the amended plan and has considered the noise assessment. The officer has recommended a further condition be added to the previously approved conditions to require the submission of a noise mitigation plan. This would ensure that the design and layout of the reserved matters application for the houses adjacent to the business takes into account the potential for noise. With this added condition, having regard to the impact on amenities considered in the previous reports in 2014 and 2015, the impact on amenities of existing and future residents can be mitigated and therefore can comply with local adopted policy.

6.4 **Highways matters**

6.4.1 The application as originally submitted and previously considered included a new access off the A53 and also access off Hampton Drive. The principle of access off Hampton Drive was previously accepted, however the new access off the A53 was not and the resolution to approve in July 2015 was subject to the deletion of that access. This was required as the Council Highway Officer advised that only one access point onto the A53 should be permitted and the preference was for the access into the adjacent development site. The revised plans have deleted the access off the A53 and are therefore considered to comply with the previous resolution of members.

6.4.1 Access will be from Hampton Drive and also from the adjacent site which is currently under construction. Previous concerns about delivery of the access through the adjacent site are therefore reduced as the adjacent site is under construction and this application site is still pending an outline consent. This application site will need the details of the layout, design and landscaping to be submitted and the adjacent site will continue in the meantime.

6.5 **Other matters**

6.5.1 All other matters including ecology, trees, contamination, flood risk and other highways and accessibility impacts have been considered previously and, as noted above, the members of the North Planning Committee resolved to approve the application. The amended plan does not alter any other consideration other than amenity and highways. As such officers advise that members refer to the previous reports for consideration of other matters.

7.0 CONCLUSION

7.1 The site is allocated as part of a housing development site within the SAMDev and is within the development boundary for Market Drayton. As such the principle of developing the site is acceptable. Furthermore the site is in a sustainable location, on the edge of the existing built development, where it benefits from the facilities, services and infrastructure offered by the market town and will provide additional housing supply in accord with national planning policy priorities. The development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9 and will not result in significant loss of agricultural land.

7.2 The proposed accesses via the adjacent housing development and off Hampton Drive are acceptable in principle as means of access to the site, the development of the site would not result in severe traffic impacts, increase flood risk or adversely affect statutorily protected species and can be developed in a way that would not significantly affect the amenities of existing or future residents, including the dwellings to be built adjacent to PD Stevens business. It is accepted by the Council that the application site can be developed independently of the surrounding land and conditions can ensure the application site will form part of the wider allocation and comprehensive development of the wider allocation.

7.3 Accordingly, it is considered that, in principle, the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

7.4 It is therefore recommended that planning permission be granted subject to:

- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport;
- The amended conditions set out in Appendix 1; and
- Submission of Reserved Matters Application to be considered if requested by the North Planning Committee (as previously requested by committee).

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 - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **BACKGROUND**

Relevant Planning Policies

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

11. ADDITIONAL INFORMATION

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

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Roger Hughes
Cllr David Minnery

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

4. Work shall be carried out strictly in accordance with the Bat Mitigation Strategy to be submitted.

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

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. The layout submitted as part of any reserved matters application shall include details for the provision of pedestrian and cycle routes through the site, linking to the eastern and western boundaries. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

6. The layout submitted as part of any reserved matters application shall include details of vehicular routes to be provided from the approved eastern access to a point on the western boundaries of the site. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

7. The layout submitted as part of any reserved matters application shall include details of a play area including a safe pedestrian route to it, and the provision of informal, natural and semi-natural open space on the site, along with a timetable for implementation. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development of the site does not prevent the development of the wider SAMDev allocation and enables comprehensive development of the SAMDev allocation.

8. A noise mitigation plan shall be submitted with any reserved matters application which describes how noise levels in external and internal areas meets good noise criteria and as a minimum standard. This shall be submitted with approval provided in writing prior to any development starting on the site.

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

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

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

10. Prior to the commencement of the development, including any works of demolition, a Construction Traffic Statement shall have been submitted to, and approved in writing by, the local planning authority. The Statement shall restrict the use of Hampton Drive for construction traffic to the construction of the first 50 dwellings only and shall show alternative means of construction traffic access for development beyond the first 50 dwellings. The approved Statement shall be adhered to throughout the construction period.

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

11. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in

accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

12. No site clearance works within 30 metres of the badger sett on site shall commence until the sett on site has been closed under licence accordance with details given in the Ecological Assessment by FPCR submitted on 22nd April 2014. The provision of herras fencing shall be provided to create a 30m buffer to the badger sett prior to works commencing and no ground works or material storage shall be permitted within the 30m buffer fencing.

Reason: To ensure the protection of badgers, under the Badgers Act (1992).

13. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a phased programme of archaeological work that makes provision for an initial field evaluation, comprising a sample geophysical survey and targeted trial trenching of any anomalies thus identified (up to a 2% sample of the study area), followed by further mitigation as appropriate. Each phase of work should be in accordance with a written scheme of investigation (WSI). These written schemes shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site holds archaeological interest

14. No ground clearance, demolition, or construction work shall commence until an Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The approved scheme shall be retained on site for the duration of the construction works.

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

15. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off, to reduce the risk of flooding and to protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

16. Demolition of Building 4 as identified in Figure 1 of the Ecology Survey Report by Penny Anderson Associates dated August 2014 shall not in any circumstances commence unless the local planning authority has been provided with either:
- A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
 - A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

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

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

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

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

18. As part of the reserved matters details of the location and design of bat boxes or bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/building.

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

19. Buildings 9 to 12 shall only be demolished between the months of September to April unless otherwise agreed with the Local Planning Authority.

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

20. Prior to occupation, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

21. During the demolition and construction of the site no burning shall occur on site at any time. This includes the burning of vegetation from clearance work.

Reason: to protect the amenity of the area

22. Construction work, including the arrival of deliveries and unloading of deliveries, shall only be carried out between the following hours: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No work shall be permitted on Sundays or Bank Holidays without written consent from the Local Planning Authority.

Reason: to protect nearby residential amenity and the health and wellbeing of residents living in close proximity to the development.

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<u>Committee and Date</u>
North Planning Committee
14 th November 2017

<u>Item</u>
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT 14TH NOVEMBER 2017

Appeals determined

LPA reference	16/05872/ADV
Appeal against	Part Refusal
Committee or Del. Decision	Committee
Appellant	Lidl UK
Proposal	
Location	Lidl, 70 Victoria Road, Oswestry, SY11 2HU
Date of appeal	30 August 2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	10 September 2017
Costs awarded	
Appeal decision	ALLOWED

LPA reference	17/00826/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Green
Proposal	Removal of internal partition wall to dining room
Location	Brock House Lee Brockhurst
Date of appeal	7 July 2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	27 October 2017
Costs awarded	
Appeal decision	DISMISSED



Appeal Decision

Site visit made on 25 September 2017

by **Alexander Walker MPlan MRTPI**

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

Decision date: 10th October 2017

Appeal Ref: **APP/L3245/Z/17/3178426** **70 Victoria Road, Oswestry SY11 2HX**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Miss Faye Heeley of Lidl UK against the decision of Shropshire Council.
 - The application Ref 16/05872/ADV, dated 10 January 2017, was refused by notice dated 27 April 2017.
 - The advertisement proposed is a 1 no. 48 sheet billboard.
-

Decision

1. The appeal is allowed and express consent is granted for the display 1 no. 48 sheet billboard as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matter

2. During the Council's consideration of the application, one of the proposed store billboards was omitted from the scheme. The Council issued a split decision in which express advertisement consent was granted for the three store billboards. For the avoidance of doubt this appeal relates only to the refusal of the 48 sheet billboard as set out in my final bullet point above. At the time of my site visit the proposed billboard had been erected.

Main Issue

3. The main issue is the effect of the advertisement on the character and appearance of the area.

Reasons

4. The appeal site comprises a large detached modern building within a large area of hardstanding. The entrance to the site is located in the north east corner of and provides access directly off Victoria Road. The north west boundary comprises a high close boarded timber fence. On the other side of this fence is a large industrial building. There are a number of signs within and around the appeal site, including entrance signs to the appeal site and a large totem sign adjacent to Victoria Road.
5. The sign that is the subject of this appeal is clearly visible from Victoria Road and from the nearby junction with the B5479. However, the timber fence rises to just under half way up the height of the sign, reducing its overall

prominence. Whilst I note the Council's concern that the sign appears high on the skyline, this is only when seen in very close proximity as the large factory building to the rear provides a backdrop against which the sign is read when approaching from the south east. Similarly, the large building within the appeal site provides a backdrop to the sign when viewed along Victoria Road from the north west.

6. The site and the adjacent factory building are clearly distinguishable as commercial in nature when compared to the wider residential area. Therefore the siting of the sign on the boundary between these two commercial sites does not appear incongruous. Furthermore, although large, the sign is in scale to its large neighbouring buildings and does not appear intrusive within the street scene.
7. I find therefore that the sign does not significantly harm the visual amenities of the area. In their reasons for refusal, the Council have cited Policy CS6 of the Shropshire Council Adopted Core Strategy 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan 2015, which they consider to be relevant to this appeal. I have taken them in to account as a material consideration. However, the power under the 2007 Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Accordingly, whilst I have taken account of the Council's policies, they have not, by themselves, been decisive.

Conclusion

8. For the reasons given above, having regard to all matters raised, the appeal is allowed. I note that no non-standard conditions have been proposed and I consider that none are necessary.

Alexander Walker

INSPECTOR



Appeal Decision

Site visit made on 18 September 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 26 October 2017

Appeal Ref: APP/L3245/Y/17/3176541

Brock House, 5 Lee Brockhurst, Shrewsbury SY4 5QQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs M Green against the decision of Shropshire Council.
 - The application Ref 17/00826/LBC, dated 20 February 2017, was refused by notice dated 25 April 2017.
 - The works proposed are the removal of internal partition wall to Dining Room.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is whether the proposed works would preserve the grade II listed building or any features of special architectural or historic interest which it possesses.

Reasons

3. The building is listed as Nos 5 and 6 Church Road (south-west side) reflecting its previous configuration as two cottages at the time it was listed. It is now a single dwelling. It is a timber framed former farmhouse whose construction details and evolution has been detailed in a 1995 Historic Building Report (HBR) written by the then Royal Commission on the Historical Monuments of England, which I consider to be a comprehensive and informed survey and analysis. The HBR dates the building as late C16 or early C17 (earlier than the listed building description) and details main phases in its internal and external alteration over the years.
4. The listed building derives much of its significance from its considerable age, its traditional and well preserved timber construction evident both inside and outside the building, as well as its early phases of change as evidenced by the fabric which remains in situ and by its plan form.
5. The partition which the appellants wish to remove forms a partial passage past what is now the Dining Room and links two other ground floor rooms in the cottage, the Living Room and the Sitting Room. It consists of a timber frame, some panels of which are infilled with what the appellants advise is later brickwork. It is open at one end, linking the passage to the Dining Room.
6. The HBR advises that both internal spaces now occupied by the Dining Room and Living Rooms formed two of the original three (or more) bays of the house,

with that now occupied by the Sitting Room being added in the mid C17. The HBR considers that after the formerly internally open structure was 'ceiled in' to provide a first floor, the partition was inserted in the late C17, probably replacing an original partition in that bay. It would have allowed circulation through the extended house whilst maintaining privacy in the remainder of that bay.

7. Separating services from other functions would also be an indication of internal roles of different parts of the building. On this basis, the partition makes an important contribution to the history and development of the building and helps tell part of the story of the building's early evolution. Along with its age and construction detail it consequently constitutes a feature forming part of the building's special architectural or historic interest and therefore significance.
8. The appellants, however, consider that the partition is later and could have been inserted at the time of the subdivision of the property, which according to the HBR took place in the second half of the C19. They consider that the removal of the partition would revert the room to a single space they consider was originally the Hall and would represent part of a process of change that has occurred over many years. This would run contrary to the HBR which considers that what is now the Living Room was likely to be the Hall (at the time occupying a central bay within the structure) and that evidence suggests that the bay which forms the current Dining Room and passage originally formed two spaces, albeit not divided by the present partition.
9. The appellants point to evidence within the timber frame separating the current Living and Dining Rooms adjacent to where a present doorway connects to the passage. They consider this illustrates that the doorway was not original and that a mid-rail formerly traversed this opening. The HBR acknowledges that a later architrave moulding obscured the post adjacent to this opening. This meant that evidence (in the form of timber pegs indicating the presence or otherwise of a mid-rail at the opening to the passage) which might indicate the opening being an integral or original part of the frame separating the current Living and Dining Rooms, was not available at the time of its survey.
10. With no such architrave currently in place, the appellant has drawn my attention to the presence of pegs which could indicate that previously there was a mid-rail, and therefore no opening, at that point. However, this does not necessarily contradict the HBR's phasing of the partition in question. Even if the opening presently leading to the passage was not in place in the earliest phases of the property's construction there is no substantive evidence to suggest that the opening and consequently the partition were not inserted until as late as the second half of the C19.
11. Other evidence the appellants point to, such as the absence of a top rail above the partition and signs of paint or limewash on the beam at the point where it was enclosed by the partition, do not conflict with the phasing outlined in the HBR. Furthermore, the presence of more recent brickwork supporting the soleplate or infilling panels does not necessarily substantiate the appellants' contention that the frame is significantly later than the HBR suggests or that it is made up of reclaimed timber.
12. The features and evidence of changes support the view that the partition was inserted after the original substantive timber framework of the house was constructed (as does the HBR). However, this evidence does not conclusively

indicate that it was either inserted at a time where the change would be of less or limited significance to the history and development of the property nor that it has been altered in a way that it has lost all of its significance. I therefore consider that the removal of the partition would result in the loss of historic fabric and remove evidence of the understanding and evolution of the plan form of the building thereby diminishing its significance.

13. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving any features of special architectural or historic interest which the listed building possesses. In attaching considerable importance and weight to doing so I consider that the proposed works would not preserve those features and would harm the special interest of the building.
14. However, as the removal of the partition would relate to a discrete element of fabric, I consider that this harm to the listed building's significance would be less than substantial. These are circumstances where the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal, including securing the heritage asset's optimum viable use.
15. The benefits of the scheme in creating a layout and space that the appellants would find more convenient would be a private rather than public one. There is no substantive evidence to suggest that the works would be necessary to ensure that Brock House would remain in use, nor that without the works that the maintenance and care the listed building requires could not be ensured and therefore that the works are necessary to secure its optimal viable use. Similarly, there is no evidence to suggest that it would enhance the health and wellbeing of the occupiers. Consequently no public benefits would outweigh the harm to significance. I have noted the Parish Council's support of the scheme and their alternative view on the benefits of the works and Framework balance. However, this does not lead me to a different conclusion.
16. Furthermore, less than substantial harm in the Framework's terms does not reduce the weight I have given that harm. The works would be contrary to the heritage conservation and protection criteria of Core Strategy¹ Policies CS6 and CS17 and SAMDev² Policy MD13.
17. I do not consider that recording the partition preceding its permanent loss would be an adequate substitute to its retention in situ. The Council did not suggest a condition to record the partition in the event that the appeal was successful. However, I cannot conclude that this supports the appellants' contention that this demonstrates that the partition is of such little importance to warrant retention.

Conclusion

18. For the above reasons, the works would fail to preserve the listed building or any features of special architectural or historic interest which it possesses, contrary to the Act and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

¹ Shropshire Local Development Framework: Adopted Core strategy, 2011.

² Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, 2015.

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