



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

Date: Monday, 5 March 2018

**Committee:**  
**South Planning Committee**

**Date:** Tuesday, 13 March 2018  
**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**

David Evans (Chairman)  
David Turner (Vice Chairman)  
Andy Boddington  
Gwilym Butler  
Simon Harris  
Nigel Hartin  
Richard Huffer  
Madge Shingleton  
Robert Tindall  
Michael Wood  
Tina Woodward

**Substitute Members of the Committee**

Jonny Keeley  
Heather Kidd  
Christian Lea  
Elliott Lynch  
Cecilia Motley  
William Parr  
Vivienne Parry  
Kevin Turley  
Leslie Winwood

Your Committee Officer is:

**Linda Jeavons** Committee Officer  
Tel: 01743 257716  
Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 **Apologies for Absence**

To receive any apologies for absence.

## 2 **Minutes** (Pages 1 - 10)

To confirm the minutes of the South Planning Committee meeting held on 13 February 2018.

Contact Linda Jeavons (01743) 257716.

## 3 **Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

## 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 **Proposed Residential Development Land East Of Shaw Lane, Albrighton (17/03774/FUL)** (Pages 11 - 58)

Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access.

## 6 **Holmwood Clive Avenue Church Stretton Shropshire SY6 7BL (17/03840/FUL)** (Pages 59 - 78)

Erection of extension to existing building to create two additional residential flats (revised scheme)

## 7 **Proposed Dwelling West Of Blacksmiths Cottage Broome Shropshire (17/04466/REM)** (Pages 79 - 90)

Approval of reserved matters (access, layout, scale, appearance and landscaping) pursuant to 13/04702/OUT erection of single-storey dwelling (outline application with all matters reserved).

## 8 **Barns South Of Norton Farm Norton, Craven Arms, Shropshire (17/04988/FUL)** (Pages 91 - 108)

Conversion of farm buildings to ten holiday units and associated parking and landscaping.

## 9 **Proposed Residential Development Land to the South Of Rocks Green, Ludlow (17/05189/FUL)** (Pages 109 - 146)

Hybrid application (part full, part outline) for residential development of up to 200 dwellings and associated infrastructure, drainage, open space, landscaping with access from the A4117 at Rocks Green (full application to involve 68 dwellings and outline application to involve up to a further 132 dwellings).

**10 Proposed Affordable Dwelling East Of Bourton Road, Much Wenlock, Shropshire (17/05723/FUL) (Pages 147 - 162)**

Erection of local needs dwelling and associated garage; installation of package treatment plant.

**11 9, 10, 11 Lower Forge Cottages, Eardington, Bridgnorth, Shropshire, WV16 5LQ (18/00143/FUL) (Pages 163 - 180)**

Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings (revised scheme).

**12 Schedule of Appeals and Appeal Decisions (Pages 181 - 208)**

**13 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 10 April 2018, in the Shrewsbury Room, Shirehall.

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## Committee and Date

South Planning Committee

13 March 2018

## **SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 13 February 2018**

**2.00 - 4.14 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

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

### **Present**

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Gwilym Butler, Simon Harris, Nigel Hartin, Madge Shingleton, Michael Wood and Tina Woodward

### **85 Apologies for Absence**

Apologies for absence were received from Councillors Andy Boddington, Richard Huffer and Robert Tindall.

### **86 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 16 January 2018 be approved as a correct record and signed by the Chairman.

### **87 Public Question Time**

There were no public questions or petitions received.

### **88 Disclosable Pecuniary Interests**

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

With reference to planning application 16/01608/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Transition Board.

### **89 Woodcote Wood, Weston Heath, Shropshire (17/03661/EIA)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of the proposed development on the surrounding area.

The Principal Planner explained that Woodcote Wood had been identified as a 'preferred area' for sand and gravel extraction in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). This had now been superseded in Shropshire by the Site Allocations and Management Development Plan (SAMDev) which referred to Woodcote Wood as an 'unworked site and commitment'. The 5.2ha site was bounded by the A41 to the east and the B4379 Sheriffhales road to the south and comprised a commercial Woodland, the central portion of which had recently been felled.

The planning committee of the former Shropshire County Council resolved to approve extraction of 2.55 million tonnes of sand and gravel at the site over a 13 year period in July 2006 (ref. SC/MB2005/0336/BR). However, an associated legal agreement covering off-site highway matters was not completed as required third party land was not available. Since this time the landowner had investigated the feasibility of achieving an alternative access which had led to the current proposals for an access directly onto the A41. At the same time, the applicant NRS Ltd had submitted updated environmental reports for the original quarrying application which would be considered as the next item on the agenda.

The sand and gravel processing plant was originally to be situated at the south central area of the original application site. The current proposals would re-locate it to a lower elevation within the proposed eastern extension. An unoccupied residential dwelling known as 'The Keepers Cottage' would be utilised for office accommodation during the operations, after which it would return to residential use. Restoration would be to broad-leaved woodland. The access road would be retained but all other quarrying items would be removed. The current proposals include a net gain of approximately 1.5 hectares of permanent broad leaved woodland. This was in addition to the woodland which would be created by restoration of the main quarry site. The application was accompanied by an Environmental Statement.

The Principal Planner further explained that Sheriffhales Parish Council had objected mainly on traffic safety grounds. There had been no objections from other consultees including Telford & Wrekin Council, the Environment Agency, Natural England, the Highway Authority, Trees, Conservation, Archaeology, Public Protection, Drainage services and Ecology. He drew Members' attention to the Habitat Risk Assessment accompanying the report. Natural England had not objected to this within the statutory consultation period. Chetwynd Aston & Woodcote Parish Council had made no objections. 23 letters have been received objecting to the proposals mainly on highway safety grounds and as detailed in the report. Three letters of support had also been received stating that the proposals would facilitate highway improvements and supply of sand and gravel with the least impact.

Policy: The Principal Planner explained that the Council's Environmental Policy Team Leader had indicated that whilst the site was not included as part of the landbank in Shropshire's Local Aggregate Assessment it had status as an unworked site commitment in the SAMDev plan, so it should not be considered as if it were an unallocated site. Notwithstanding this, an assessment of the quarrying scheme had been undertaken with respect to SAMDev policy MD5(3) which set out the circumstances in which unallocated sand and gravel sites may come forward. The proposals had been found to satisfy the relevant criteria.

Highway safety: The Principal Planner explained that Shropshire Council's highway consultants had not objected. They had advised that an originally proposed ghost island on the A41 was not needed and instead that a 2.4m stand-off should be provided along the site's frontage with the A41. The applicant had agreed to this and amended plans had been submitted. Highway Officers consider that the resulting improvement in northbound visibility from the B3479 junction would be beneficial in highway safety terms. A road safety audit had been undertaken and had been accepted by Shropshire Council's highway consultant. The committee report had been updated to reflect this. The applicant had also agreed to make a £50k financial contribution to deliver off-site highway improvement works including improved signage and line markings on the A41 approaches to the B3479 junction. In addition, the applicant had agreed to a package of other measures including:

- 1) Replacing the grassed verge on the southern side of the A41/B3479 junction with a hard surface to improve southbound visibility;
- 2) A planning condition securing realignment of the estate boundary wall to the north of the B4379 to facilitate an improved alignment for the B4379 junction;
- 3) A condition preventing quarry HGVs from approaching from the north in order to avoid right turning manoeuvres across the A41. This would be backed up by CCTV and appropriate monitoring and enforcement provisions.

Whilst local objectors may have preferred to see a roundabout on the A41/B4379 junction this was no longer possible as the third party land was not available. Nor could it be required, as access was no longer proposed to be from the B4379. A highway consultant acting for the prospective developer of a nearby quarry at Pave Lane had stated that Highways England DMRB standards for trunk roads should apply and a ghost island should therefore be provided. However, the A41 was not a trunk road and Shropshire Council's highway consultants had confirmed that the proposed access met relevant safety criteria. It was additionally stated that the application of trunk road junction standards to non-trunk roads was not compulsory and the current proposals would deliver benefits including the improvement in northward visibility from the B4379 junction. The National Planning Policy Framework (NPPF) advised that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (NPPF Para 32). Given the advice of Highway officers it is considered that any residual cumulative impacts would not be sufficiently severe to justify refusal. The additional benefits including in terms of improved visibility at the B4379/A41 junction and the proposed highway contribution weigh in favour of the proposals.

In conclusion, the Principal Planner explained that Woodcote Wood was a former allocation with an historical approval resolution and was named as an unworked site commitment in the SAMDev plan. The current proposals would facilitate development of the site by delivering an amended access and would also enable a more comprehensive restoration scheme. Objectors had expressed concerns particularly in relation to highway safety. Whilst the originally proposed roundabout was not deliverable other meaningful improvements to the highway are, including improvements to the B4379/A41 junction which would not otherwise be possible. The individual and cumulative effects of the proposals had been assessed. No technical consultees had objected and no issues had been identified which would be likely to give rise to unacceptable impacts. This was having regard to the design of the

scheme and the recommended planning conditions and legal agreement. It had been concluded that the proposed new access and plant re-location scheme can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

The Principal Planner drew Members' attention to the Schedule of Additional Representation, which had been circulated prior to the meeting, and which requested some minor flexibility in wording of the conditions if the Officer recommendation was accepted. Additionally, he confirmed that the period for Judicial Review was now six weeks and not three months as stated in the report.

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

Mr M Kitching, representing local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Dr A MacWhannell, representing Sheriffhales Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor B Page, representing Chetwynd Aston and Woodcote Parish Council, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Kevin Turley, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He suggested that there was no reason why an island could not be achieved in the south corner of the development;
- A Safety Audit had suggested that a right turn into the site would not be safe; and
- He urged Members to refuse the application.

With the permission of the Chairman and owing to the fact that an additional Parish/Town Council and objector had been allowed to speak against the proposal, the agent was permitted to speak for up to six minutes. Mr R Williams, the agent, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, Mr Williams provided clarification on the controls and safeguards in place to prevent HGV drivers accessing the site from the wrong direction.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions, the Principal Planner provided clarification regarding the Highway Agency's Design Manual for Roads and Bridges (DMRB) standards. He drew Members' attention to the legal agreement which would cover traffic routing, enforcement provisions and the requirement for CCTV and other control and safeguards regarding highway safety.



**RESOLVED:**

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions and legal obligations as set out in Appendix 1 to the report and subject to the additional conditions as set out in the Schedule of Additional Letters.

**90 Woodcote Wood, Weston Heath, Shropshire (SC/MB2005/0336/BR)**

The Principal Planner introduced the second of the two related applications on the agenda for the Woodcote Wood site and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of a proposal on the surrounding area. He drew Members' attention to the Schedule of Additional Representations circulated prior to the meeting.

The Principal Planner explained that the scheme had received an approval resolution in July 2006. It had not been possible to complete an accompanying legal agreement but the Woodcote Wood landowner was able to demonstrate that the proposals were still being actively pursued. Given the period of time which had elapsed since the original resolution the applicant needed to submit updated environmental reports under the Environmental Impact Assessment Regulations. These had been undertaken and covered ecology, noise, dust, ground and surface water, archaeology, landscape and visual impact. The update process also identified the need for the amended access and relocation of the proposed quarry plant site and an application for this had been considered at this meeting (see agenda item 5 – planning application 17/03661/EIA and as detailed at Minute No. 89).

The Principal Planner further explained that Sheriffhales Parish Council had objected on the grounds of highway safety, whilst also expressing concerns about dust and noise. Highway matters had been considered in the previous item (see agenda item 5 – planning application 17/03661/EIA). Telford & Wrekin Council had expressed support for the officer recommendation. The Environment Agency had raised no objections and a Water Monitoring and Management Plan condition had been recommended. Natural England had raised no objections to the new access application which included an ecological report covering the entire proposed quarry site. They had been consulted on a Habitat Regulations Assessment and the statutory period of notice had now been given and no objections had been received. Shropshire Council's ecology section had raised no objections. Conservation Officers had accepted the conclusions of the heritage assessment that there would be no adverse impacts. Public Protection had not objected and acknowledged that baseline conditions for noise and dust had not changed significantly since 2006 and had recommended noise and dust conditions. There had been no drainage objections and an updated visual appraisal confirmed that the site continued to benefit from good natural screening by virtue of topography and the retained woodland edge and was also relatively remote from the nearest residential properties. Three comments had been received from members of the public - one objecting, one neutral and one in support. The objection was on procedural grounds and the support was from a near neighbour who acknowledged the need for sand and gravel production.

Policy: Whilst the individual policies had changed since the application had been submitted the general thrust of minerals policy remains the same. NPPF paragraph 142 confirms the importance of maintaining an adequate and reliable supply of minerals and Paragraph 144 requires that mineral planning authorities should give great weight to the benefits of the mineral extraction. Shropshire Council's Environmental Policy team leader confirmed that Woodcote Wood had the status in the SAMDev plan of an 'unworked site commitment'. Notwithstanding this, the Officer report concludes that the proposals clearly meet the relevant SAMDev policy tests for unallocated sand and gravel proposals.

In conclusion, the Principal Planner explained that Woodcote Wood was a former allocation with a historical approval resolution and is named as an unworked commitment in the SAMDev plan. Updated environment information had been submitted and confirmed that there had been no material changes in the environmental or geographic context of the site. A related application for a new access at the site was a separate item to be considered at this meeting. The inter-relationships between the two applications had been assessed and addressed in the respective reports. It had been concluded that the updated environmental information accompanying the current application had demonstrated the continued acceptability of the site and accordingly the proposals remained compliant with relevant policies and guidance.

Mr R Small, speaking on behalf of Mr M Bubb, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor G Tonkinson, representing Sheriffhales Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Kevin Turley, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He reiterated his concerns regarding access arrangements; and
- Expressed concerns regarding the presumption of acceptance regarding the clearance of scrub and the detrimental environmental impact this would have upon the site.

Mr R Williams, the agent, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions, the Principal Planner provided clarification regarding windfall sites, the Habitat Regulation Assessment, heritage assets, permitted development rights for forestry operations and archaeology matters.

**RESOLVED:** That,

1. Having noted the updated environmental information submitted in support of the Environmental Statement accompanying the application, planning permission be granted as per the Officer's recommendation, thereby re-ratifying the original approval resolution dated 25 July 2006, subject to:

- The conditions as set out in Appendix 1 to the report;
- Condition No. 13 being amended as follows:

“No development shall take place until the sole access proposed under application reference 17/03661/EIA has been constructed to the written satisfaction of the Local Planning Authority.”

- The additional conditions as set out in the Schedule of Additional Letters.

2. The requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 be updated and transferred to planning application 17/03661/EIA on the basis that the substantive issues are more appropriately dealt with in that application than the current proposals.

**91 The Chalet, Crumps Brook, Hopton Wafers, Kidderminster, Shropshire (16/01608/FUL)**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations. She confirmed that Members had undertaken a site visit and had viewed the site and had assessed the impact of a proposal on the surrounding area. She drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillors Gwilym Butler and Madge Shinton, as local Ward Councillors, each made a statement and then left the table, took no part in the debate and did not vote on this item. During their statements, the following points were raised:

- The proposal would not have a detrimental impact upon the adjacent Site of Special Scientific Interest or Right of Way; and
- Would be an improvement and be in keeping with the local character of the area.

In the ensuing debate, Members considered the submitted proposals and noted the comments of all speakers. In response to a question, the Technical Specialist Planning Officer provided clarification on access arrangements.

**RESOLVED:**

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

**92 Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT (17/05426/VAR)**

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

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, as local Ward Councillor, submitted a written statement as read out by the Chairman and as set out in the Schedule of Additional Letters circulated prior to the meeting.

In the ensuing debate, Members considered the submitted proposals, noted the comments of all speakers and expressed the need to support local businesses.

**RESOLVED:**

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report, subject to Condition No. 2 being amended to read as follows:

"The playing of amplified recorded sound/music and amplified live sound/music in any outside area, including in marquees, shall not take place after 23:00 hours and not before 09:00 hours the following day."

**93 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 13 February 2018 be noted.

**94 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 13 March 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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Committee and date  
 South Planning Committee  
 13 March 2018

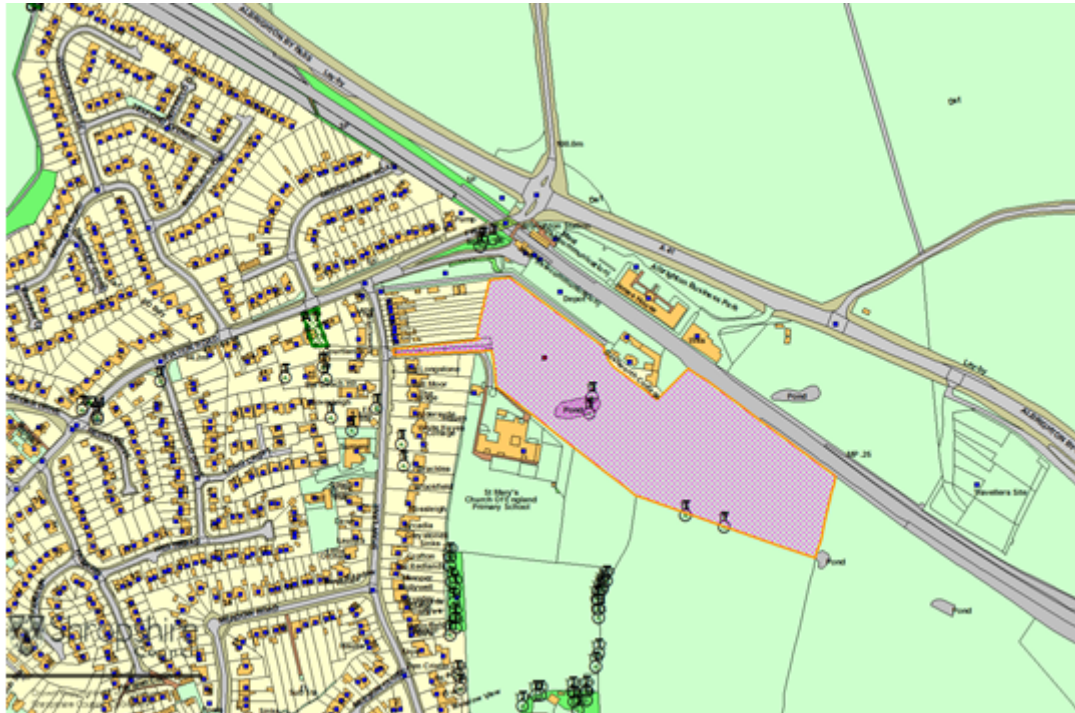
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 17/03774/FUL	<b>Parish:</b>	Albrighton
<b>Proposal:</b> Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access		
<b>Site Address:</b> Proposed Residential Development Land East Of Shaw Lane Albrighton Shropshire		
<b>Applicant:</b> Jessup		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 381895 - 304421



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**Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of affordable housing and maintenance of public open space, and to secure the provision of a raised table at the junction of the access with Shaw Lane, together with on-street parking restrictions within the development prior to and after any adoption by the local highway authority, and the conditions set out in Appendix 1. That delegated authority be given to the Area Planning Manager to amend the conditions as may be required as part of concluding the content of the Section 106 Agreement.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposals relate to agricultural land, situated on the eastern edge of Albrighton. The land is part of an allocation for residential development (ref ALB002) in the Adopted SAMDev plan, with the southern portion of this allocation already having planning permission through its allocation for development in the Bridgnorth District Local Plan (ref ALB1) and the grant of outline permission in December 2011 (ref 08/0907) and reserved matters approval in June 2015 (ref 14/05456/REM), and a resolution to permit application 15/02448/FUL, subject to the completion of a Section 106 Agreement relating to affordable housing and the maintenance of public open space.
- 1.2 The proposed vehicular access to the site would be from Shaw Lane. The land which currently contains the school access drive and the adjacent field access, along with part of the garden to the dwelling on the northern side of the present access arrangement, would be combined to form a 5.5 metre wide access road with 2 metre wide footways on either side. The access road would, beyond the school entrance, follow a curving 'S bend' alignment with the extra care building (Containing 21 one bed roomed and 53 two bed roomed flats) and its associated 37 space car park on the northern side. The south side of this road section would be public open space that would incorporate an existing pond and an attenuation pond. Amendments made during the course of considering the application have added a 12 space parking area for railway station users on the southern side of this road section.
- 1.3 Along the northern side of the access road, where it would revert to a relatively straight alignment, there would be three pairs of semi-detached two bed roomed bungalows, two pairs of which would have an outlook over the public open space opposite. Each of these properties would have two tandem car parking spaces. The southern boundary of this area of public open space would be with the school grounds, with the eastern end formed by a private drive serving three detached dwellings and a semi-detached two bed roomed dwelling. There would be variations in terms of handing and fenestration treatment to the four bed roomed detached dwellings. All these dwellings would have two off-road parking spaces, with the detached dwellings also featuring a single integral garage. The semi-detached pair of dwellings at the entrance to the private drive would be dual aspect, with one of the units also fronting the main access road.



- 1.4 Towards the centre of the site there would be a staggered cross roads. The southern spur would be a short cul-de-sac serving three detached dwellings and a semi-detached dwelling on its western side. This road has been re-aligned on amended drawings to line up with a cul-de-sac in application 15/02448/FUL for housing development to the south, to allow for a pedestrian and cycle connection, but there would be no vehicular access connection to proposed development to the south. These house designs would also feature variations in handing and fenestration treatment, with two off road parking spaces each and single garages for the detached units. On the eastern side of the cul-de-sac, and immediately south of the main access road, would be an area of open space which would be adjacent to two large trees and a hedgerow along the southern site boundary. This area of open space would contain a second attenuation pond as part of the surface water drainage system.
- 1.5 The northern spur off the cross roads would also form a cul-de-sac and would have a pair of dual fronted properties either side of the junction: That to the west would be a semi-detached pair, with that on the eastern side being the end of a terrace of four dwellings. The houses on the western side of the road would be in the form of a pair of semi-detached dwellings and a terrace of four, with a terrace of four on the eastern side. They would be mix of two bedroomed dwellings, with the four mid terrace units containing three bedrooms, with the third bedrooms over an open fronted parking area giving access also to their rear gardens. Each dwelling would have two off-road parking spaces. There would be an area of public open space adjacent to the cul-de-sac turning head.
- 1.6 The main access road would continue on a straight alignment in the eastern portion of the site up to the eastern site boundary. To the east of the public open space referred to in paragraphs 1.2 and 1.3 above, there would a row of three short terraces, each containing four dwellings. This grouping would contain six two bedroomed and six three bedroomed dwellings, in a similar form to the other short terraces in the development, but with the dwelling at the western end of the group having its main entrance on the side, overlooking the public open space. Each property would have two off-road parking spaces.
- 1.7 There would be a loop road off the northern side of the main access road that would enclose a further area of public open space. Around the northern edge of this loop there would be a mix of semi-detached and terraces dwellings. There would be two short private drives each serving four dwellings, with the remaining properties having parking spaces accessed direct from the loop road. The group would contain 12 two bedroomed and 4 three bedroomed dwellings, again with each having tow off-road parking spaces.
- 1.8 The proposed extra care building would have a 'U' shaped floor plan enclosing three sides of the parking area, with a short wing extending out in a south easterly direction. It would be predominantly three storey building with a dual pitched roof, but the ends of the building would step down to two storeys. The elevations would be given a vertical emphasis by the palette of facing materials proposed (brick and

render), breaks in the eaves by short bays being roofed by extensions to the main roof plain to eaves lines tight above windows and balconies (with steel and glass balustrades) set between those bays. The windows would be predominantly two bay casements, with french windows to some ground floor openings and onto balcony areas. The building would contain 74 flats. Facilities that would be provided on the ground floor would include a managers and administration offices; staff room; laundry; buggy store; commercial kitchen; kitchen staff office; kitchen store; café/restaurant; communal lounge and a hair dressers area. There would be assisted bathroom provided on the first floor of the building.

- 1.9 The proposed dwellings would be a mix of 36 two bedroomed, 16 three bedroomed and 6 four bedroomed dwellings. The elevations would include a mix of facing brick with rendered elements; projecting gables, pitched roof and flat roofed open canopy porches, bay windows, dual pitched and flat roofed dormers, juliet balconies, brick string courses, window heads and sills, variations in ridge heights to elements of the detached dwelling designs and within the semi-detached and terraced units. Some of the detached dwellings (plots 55, 64) would feature first floor glazing to the front gable extending up into the gable apex. The roofs would be a mix of gabled and hipped roofs of grey interlocking tiles.
- 1.10 The landscaping scheme would include the retention of existing boundary hedgerow and trees and trees within the site around the pond; new native hedge and tree planting to the site boundary with the school; new hedging to supplement fencing to edges of the public open space close to the railway boundary; trees and sections of hedges to front garden boundaries and new tree planting within the areas of public open space. Some 96 new trees are proposed of 20 species, including field maple, horse chestnut, alder, snowy mespil, silver birch, beech, wild cherry, oak, whitebeam mountain ash and lime. The hedging would be a mix of maple, hazel, hawthorn, holly, privet and guilder rose.
- 1.11 An affordable housing statement has been submitted which states that the 74 extra care apartments and 6 extra care bungalows would be for people over the age of 55 (With 24 hour care services available to those that need them), and 30 of the dwellings would be for general needs at affordable rents. It is intended that the extra care accommodation would be let and managed by Choices, who are part on The Wrekin Housing Group, on affordable rents. The 30 general needs two and three bed houses would be let and managed by The Wrekin Housing Trust, with the balance (a mix of 28 two, three and four bed houses) being open market properties.
- 1.12 A Planning and Design and Access Statement; Transport Assessment; Landscape Management Plan; Flood Risk Assessment ; Noise Report; Ecological Report; Phase 1 Site Appraisal and Heritage Statement accompany the application drawings.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site is situated to the east of Shaw Lane and is currently agricultural land. The access from Shaw Lane is bordered by existing residential properties and their gardens. Adjacent to part of the southern site boundary is St Marys Primary School and associated land, with agricultural land adjoining the remainder of this boundary. (The latter land forms part of the allocated housing site and is the subject of planning application 15/02448/FUL for residential development). The eastern site boundary adjoins agricultural land. To the north is the Wolverhampton to Telford railway line, a residential property and a range of buildings formerly used as a builders yard with permission for residential development and access to those properties. The area beyond the private access is used for caravan storage. To the west are the long rear gardens to properties on Shaw Lane.

2.2 The site has an area of approximately 3.5 Hectares.

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

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised and the wide public in these proposals warrant the application being determined by the South Planning Committee.

## **4.0 Community Representations**

### **- Consultee Comments**

(Where consultees have made more than one comment, the latest comments are set out first in order to show where earlier concerns have been overcome).

4.1 Albrighton Parish Council – Object:  
Albrighton Parish Council at its meeting on 7th September objected to planning application 17/03774/FUL on a number of grounds despite approving development in this area of the village as outlined in the Neighbourhood Plan 'Light' of June 2013.

One of the key problems identified by members is the issue of access to the site. The proposal would see a large number of extra vehicles in the area of Shaw Lane/Station Road that is already heavily congested as residents make use of the Primary School and the medical centre and people travelling from the railway station use local streets to park their cars. The suggestion in the application that the development would link to one to the south allowing access from Kingswood Road is not corroborated by the other developer concerned. The station car park which was included in the original proposal for this area of the village, to remove on street parking by commuters, appears to have been lost and this is a major concern for

the council and makes the application difficult to support.

Councillors were also concerned about the ability of the drainage system to cope with the extra houses and apartments and the additional workload for the doctors that would inevitably result from 74 extra care apartments and 6 bungalows reserved for the elderly. Members also noted that there was a reduction in the amount of open space, which now seems to comprise of one sports pitch, which falls far short of the needs outlined in the Neighbourhood Plan.

#### 4.1.1 Donington with Boscobel Parish Council – Object:

Although the application does not sit within the parish boundary it was felt that the application is proposing such great impact, that the council needed to address this and offer its comments as follows:

Traffic problems already existing in the area (Shaw lane and Station Road are heavily congested with residents accessing the medical centre and Primary School, not to mention the vast number of cars parked along the streets by commuters using the railway station) will become impossible. The original proposal for this site had provision for a railway station car park, which would have helped to ease the current situation regarding on street parking. This application has no provision for commuter car parking and this is seen by the Council as a major flaw in the application. The Council has concerns about the current drainage system and how this will be able to cope with all the additional homes that are proposed, as areas of both Shaw Lane and Station Road are still prone to flooding after heavy rain, even though major works by Severn Trent took place after the 2006 flooding to remedy this. Concerns have been raised over the makeup of the housing stock, having an extra 74 care apartments and 6 bungalows will surely put extensive pressure on the local medical facility. The Neighbourhood Plan "Light" of June 2013 outlined that there was a need for low cost housing, and the Council would hope to see young people and families moving into the area rather than such a migration of elderly to what is already a predominantly older persons' parish.

#### 4.2 SC Highways Development Control (20.02.18) – No Objection:

Further comments made by the applicant's transport consultant and the additional information provide relating to the proposed station parking has been considered. Some concerns remain with respect to impact of road on school travel behaviours, on un-restricted street parking in the proposed development being by commuters and school visitors, parents and staff, leading to further vehicle trips passing the school entrance in both directions; and the right radius bends which would be effective in reducing vehicle speeds, but not sufficient in width to accommodate delivery vehicles and refuse vehicles; location of station parking spaces not ideal due to no direct access to the station; assumptions made about likely staff levels at the extra care facility and their use of more sustainable modes of travel.

Despite the above, In terms of policy considerations, Section 32 of the National

Planning Policy Framework states the following;

*32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure*
- safe and suitable access to the site can be achieved for all people*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*

In terms of the location of the development then it is considered that it is in a sustainable location, within close proximity to local amenities such as the Primary School, Medical centre and Railway station. Therefore, there are opportunities for sustainable travel modes.

The development will provide carriageway width of 5.5 metres with a 2 metre footway therefore provision has been made for pedestrians to use the site. Most notably Paragraph 32 of the NPPF, states that Development should only be prevented or refused on transport grounds where the residual impact is severe. Shropshire Council would therefore need to demonstrate the impact of the Development is severe. Whilst Shropshire Council as Highway Authority have a number of concerns with the application under considered it is not felt in appeal situation a Highway refusal could be sustained.

It is felt a more appropriate position would be to require the applicant to undertake a number of improvements to the transport network, within the site and on the surrounding network to ensure a more satisfactory application is taken forward that limit the significant impact of the Development.

These measures are as follows;

- 1) Parking within the site should be restricted, it is recommended that a condition is attached to any permission granted to require the Developer to introduce a restriction on parking on the main access road within the site, prior to the occupation of say the 25 dwelling, this will reduce the concerns with regard to vehicles driving into the site to locate a parking space during school time or prior to catching a train from the nearby station. A Highway contribution can either be secured through a Section 106 Agreement or a clause inserted within the Section 38 agreement that requires the Developer to make a contribution to cover the cost of a formal Traffic Regulation Order to restrict parking within the site.

- 2) Details of the permitting scheme for the station parking should be submitted for approval prior to commencement and remain in place for the duration of the development.
- 3) Details of access to the site via the junction with Shaw Lane should be submitted for approval prior to commencement, it is recommended that these details include a raised plateau at the junction with Shaw Lane, this will reduce vehicle speeds for vehicles entering the site and restrict parking within close proximity to the junction and protect the proposed visibility splays.
- 4) A Travel Plan should be submitted to cover the residential and 'Extra Care' facility to ensure that sustainable travel is maximised where possible.
- 5) In terms of deliveries to the 'Extra Care' facility these should be restricted to outside School drop off times.
- 6) A construction management plan should be submitted and approved prior to commencement that controls all vehicles within the site, however specifically restricts construction vehicles entering the site between 8.15-9am and 2.45-3.30pm, depending on school times.
- 7) Details of the construction of the road, should be submitted for approval prior to occupation of any part of the development to include the Extra Care facility, all visibility splays within the site should be maintained and kept clear at all times.

#### 4.2.1 SC Highways Development Control (18.12.2017) – Comment:

- In SAMDev Plan process recommended a predominantly pedestrian and cycle access only via the school driveway off Shaw Lane, requiring all vehicle access to be from Kingswood Road. This was required to maximise sustainable connectivity for the new development, as well as minimise any potential conflict of child pedestrian activity and vehicular traffic along the current school driveway.
- Remain concerned about the scale of development and the impact of vehicles accessing and exiting the site via Shaw Lane; would encourage applicant to reduce the scale of development or seek alternative vehicular access to the site for at least the residential dwellings.
- Notwithstanding the above concerns, the proposed link in the scheme and the development to the south should be restricted to emergency, pedestrian or cycle only to prevent a through vehicular traffic route being created.
- Details of the proposed access via Shaw Lane should be provided; consideration given to parked vehicles and if necessary the introduction of a Traffic Regulation Order preventing parking and the associated displacement.
- Transport Assessment needs to clarify and address the type of housing to be provided in terms of trip generation.
- Provision of car parking for the station needs to be taken into account in the --- Transport Assessment.

Remain concerned about the likely impact the proposed development will have on travel behaviour, the proposed development could provide un-restricted access to on street parking, and increase the number of vehicles passing the school. Whilst it is suggested within the technical note sent 25th October 2017, that residents will be leaving the site to access employment outside of the Albrighton area before 8am, so wont conflict with school movements, cannot agree with this assumption and will need to seek further re-assurance. Further consideration also needs to be given to the care home, is it likely staff will be arriving? Or will it be supportive living so the number of staff will be minimal? Will there be deliveries to the site, can these be restricted to outside school times?

#### 4.2.2 SC Highways Development Control (13.11.2017) – Cannot Support at present time:

The planning application has failed to adequately demonstrate the impact of the proposed vehicular and pedestrian activity, of the proposed development, on the local highway network, and in particular its likely effect on the local primary school access. Therefore, the Highway Authority cannot currently support this planning application.

#### **Comments/Observations:**

The following comments relate specifically to the Savoy Consulting Technical Note, and amended site plan (15003/2 REV G) submitted 25/10/2017.

It is acknowledged that this revised site plan now shows the potential for one point of vehicular/pedestrian connectivity between this proposed development and the adjacent Millfields Development (Boningale Homes). Although, this is considered to be a positive step towards a more acceptable estate road layout, another points of connection on the eastern site boundary is preferred and was expected as part of the original whole site allocation. .

The deficiencies in the TA as expressed in WSP's Highway Advice Note (21/09/2017) have not yet been addressed or otherwise satisfactorily justified, to determine whether the data used is appropriate for this location. Secondly, the proposed layout of the development has now been significantly changed, providing unencumbered vehicular and pedestrian access to/from the adjacent development, which has not been considered within the original TA, for this site.

Notwithstanding the above, the developer has also failed to acknowledge that this development proposal will significantly alter the local highway situation adjacent to the established primary school. Such that any current travel behaviours experienced are likely to change. Due to the opportunities, specifically created by the proposed development, in providing direct vehicular access and unrestricted on-street parking immediately outside the school entrance, which has not been available previously. As well as, significantly increasing the number of vehicles physically passing the school gates, generated by the new developments proposed.

In the circumstances, and without a revised Transport Assessment, it is considered that from a highways and transport perspective, the highway authority cannot support this planning application, at this time.

#### 4.2.3 SC Highways Development Control (02.10.2017) – Do not approve in current form:

The principle of residential development at this location is considered generally acceptable, subject to the provision of appropriate access arrangements serving the site, in accordance with the previous expectations for this development site.

The original highway and transport consideration of the potential development site, through the SAMDev process, recommended a predominantly pedestrian and cycle access only via the school driveway off Shaw Lane. Requiring all vehicle use to be restricted to the adjacent residential development, off Kingswood Road. This was required to maximise sustainable connectivity for the new development, as well as minimise any potential conflict of child pedestrian activity and vehicular traffic along the current school driveway.

In addition, the expectation of vehicular routing via Kingswood Road, and subsequent connectivity to the wider strategic network, for the current planning application will be lost. It should be noted that in general Highway & Transport terms the previously agreed Kingswood Road connection it considered more appropriate and safer than the current proposal to only use Shaw Lane.

Currently, the existing arrangements for school pick up/drop off on Shaw Lane, works well and in terms of road safety this is supported by the PIC record. However, with the proposed widening of the existing school access road, effectively providing a new public highway (access for all) will fundamentally change how parents/children access the school. Insofar as, providing an opportunity for parents to park immediately in the vicinity to the school entrance, significantly increasing the potential in pedestrian/vehicular conflicts, not just with parents/children but also with the development construction traffic and the subsequent occupiers of the new dwellings.

Ideally, access to this development site should be restricted to pedestrians, cyclists and emergency vehicles, via the school driveway, as previously indicated. However, if some form of concession is required to allow some development. It is considered that this would be better limited to the extra care facility only, together with an improved private access road, with public pedestrian/cycle access allowed. As the associated vehicular impact will be limited. Therefore, all the residential housing traffic from the remaining elements of the development will have to be routed via the Millfields development.

The following comments are specific to the submitted Transport Assessment and Junction Capacity Information, which in the context of the advice above, does not provide sufficient justification to support the application, as submitted.



- The application refers to 74 apartments as opposed information to the TA which refers to 69 apartments. This needs to be noted but is not critical to the assessment findings.
- The 5 year PIC data is now 1 year out of date. It is noted that there is no evidence in the report of a zero output.
- The report does not address the walking distance to the nearest bus stop. It is suspected that much of the development proposed is considerably greater from the bus stops on High Street than the 400m ideal.
- The design year quoted is 2021. However, it is more appropriate for a design year which is 5 years after expected full dwelling occupation. However, given the RFC's in the junction assessment are quite low, then a later design year may not change the results significantly.
- The detailed TRICS data is normally required to check the suitability of the selected sites. However, given the junction assessment performs well within capacity, it is considered that there will be no need to request this information on this occasion.

#### 4.3 SC Ecology (11.12.17) – No Objection:

Great Crested Newt Habitat Suitability Survey was carried out in May 2017 and a Phase 1 Preliminary Ecological Appraisal in July 2017 by Stefan Bodnar.

##### Habitats

Habitats on the site consist of improved grassland, hedgerows, mature and semi-mature trees, and a pond.

Trees and hedgerows should be retained where possible. 'If any trees or hedges are unavoidably lost to accommodate the scheme, suitable compensation planting should be carried out.'

The landscaping scheme should include native tree, hedgerow, shrub and wildflower planting, using native species of local provenance.

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

A Habitat Management Plan should be produced for the site, particularly in relation to pond improvements.

Connectivity should be maintained and enhanced along the southern boundary (to ensure that the ponds are not isolated from each other), along the northern boundary (along the railway line, which is an ecological corridor) and along the eastern boundary (to connect the southern and northern boundaries).

### Bats

Four trees on the site contain potential roosting features: two ash trees in the northern hedgerow, one oak tree in the southern hedgerow and one crack willow at the pond margin.

None of the trees will be directly affected by the development. Should any works to the mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

Bat boxes should be erected on the new dwellings to provide additional roosting opportunities for bats.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance. There should be no illumination of the hedgerows, trees, pond or location of bat boxes.

### Badgers

A pre-commencement survey should be carried out to determine whether any setts are present on or within 30m of the site and whether there is any evidence of foraging or commuting on the site. If any evidence of badgers is observed during the pre-commencement survey, an appropriate mitigation strategy will be required.

### Great crested newts

There are a number of ponds within 500m of the site. Pond 1 is an on-site pond. Pond 2 lies adjacent to the eastern boundary. Pond 3 lies approximately 115m to the south-east. Pond 4 lies approximately 265m to the south-west. Pond 5 lies approximately 410m to the south-west. Pond 6 lies approximately 25m to the north.

The ponds were subject to Habitat Suitability Index (HSI) assessments in 2015 by Tyler Grange. Ponds 1 and 5 were calculated as having 'Good' suitability to support great crested newts, Ponds 3 and 4 had 'Average' suitability and Pond 2 had 'Below Average' suitability. Pond 6 was not identified during the 2015 survey (it may not have existed at the time). An additional pond was identified approximately 115m to the south; this pond was small and nearly choked up so does not seem to exist any more.

Tyler Grange carried out presence/absence surveys in 2015. Pond 4 'was scoped out following the HSI assessment as it was considered not to be suitable for GCNs due to the fact it comprised a garden duck pond of brick and concrete construction with vertical edges and the presence of fish.'

No great crested newts were recorded during the surveys. Smooth newts were recorded in Ponds 2, 3, 5 and the additional pond and frogs (or tadpoles) were recorded in Ponds 1, 2 and the additional pond.

HSI assessments in May 2017 calculated Ponds 1 and 5 as having 'Below Average' suitability and Pond 4 as having 'Poor' suitability. Ponds 2, 3 and 6 were dry at the time of the survey 'and showed little evidence of holding water in recent times.'

Suitable terrestrial habitats for amphibians are limited to the hedgerows and pond margin.

No further consideration of great crested newts is required but the following working methods should be

In order to protect amphibians from harm, section 4 of the Great Crested Newt Habitat Suitability Survey and Newt Mitigation Strategy contains the following method statement that should be followed in full prior to and during development:

- A toolbox talk will be provided to site staff.
- 'Any clearance of vegetation, leaf litter and masonry should be carried out carefully and any common newts or other amphibians other than great crested newts found, should be removed immediately to a place of safety.'
- 'Carefully strip [øf] any paved area or gravel on which the development is to take place.'
- The duration of groundworks will be kept as short as possible.
- Works will be undertaken during daylight hours only.
- Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.
- Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.
- If a great crested newt is discovered at any time, works must immediately cease and a suitably qualified ecologist contacted for advice.

The on-site pond (and adjacent pond, if possible) should be enhanced as part of this proposal and measures to undertake this should be included within a Habitat Management Plan.

Connectivity between the on-site pond and the wider site must be maintained and enhanced. There must be no illumination of the pond. Refugia and/or hibernacula should be created in suitable locations on the site, e.g. around existing ponds and along the southern boundary. The site layout should include amphibian-friendly drainage solutions. These elements should be included in the Habitat Management Plan.

### Reptiles

Tyler Grange carried out a reptile survey on the site in July 2014. No reptiles were recorded but a small number of toads were observed.

Update surveys are not considered necessary, provided that the method statement and enhancements recommended in relation to amphibians are followed in full.

### Birds

The hedgerows and trees provide potential nesting opportunities for birds.

Any vegetation removal should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

The mature trees contain suitable roosting opportunities for owls. 'The grassland is currently unmanaged and has developed a tussocky sward with a high number of field voles present, its structure and prey availability make the site highly suitable for foraging birds of prey and owls. A foraging kestrel was seen on site during the survey, and the site could provide foraging habitat for barn owl and tawny owl'.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for a range of bird species. The apartment building is particularly suitable for swift boxes.

### Other species

The site boundaries and the pond margin provide suitable habitats for hedgehogs

Connectivity around the site should be retained and enhanced through the use of hedgerows and, where fencing is to be used, gaps in the gravel boards.

Hedgehog boxes should be located in suitable locations on the site, e.g. around the site boundaries.

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Conditions recommended requiring a pre-commencement survey/check for badgers; approval and implementation of a habitat management plan; submission of a report demonstrating the implementation of the great crested newt reasonable

avoidance mitigation measures strategy; approval of an external lighting plan; provision of bat, bird and hedgehog boxes.

- 4.3.1 SC Ecology (30.08.2017) – Additional information required relating to great crested newts and environmental network. Without this information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 4.4 SC Regulatory Services (12.12.17) – Recommend contaminated land condition and noise insulation condition for properties in close proximity to the railway line be attached to any approval:

Patrick Parsons on behalf of Jessup Brothers Ltd, have submitted a Phase I Site Appraisal, Shaw Lane, Albrighton; ref. B16295 dated December 2016. The Phase I Report has also reviewed previous site investigations by Komex and Worley Parsons on behalf of Second Site Property Holdings Ltd and National Grid Property Holdings Ltd (Gas Companies).

The proposed development site includes what is thought to be an area where former infrastructure (tanks/gasholder) associated with the Albrighton Gasworks were located. The actual gasworks (now a builders yard) where the primary coal gas manufacturing works were carried out is less than 15m from the site boundary in places and is known to be significantly contaminated as no remediation has been carried out and many of the below ground gasworks features and associated contamination remain. This site has been subject to a site investigation required by a previous planning permission and a current application is being considered. Public Protection has not had the benefit of seeing these reports by Komex and Worley Parsons and would welcome copies in order to review any additional information associated with the use of part of the proposed development site as part of the gasworks.

Having regard to the above the full contaminated land conditions should be included if permission was granted.

Having regard to the above partial land use as part of the gasworks, the Environment Agency should be consulted as it meets their consultation matrix.

In relation to noise an assessment has been provided that specifies mitigation. Recommend the following condition should this application be granted approval:

Glazing and ventilation with the ability to provide the mitigation stated in Table 5 and table 7 of the noise.co.uk noise report reference 17522-1 shall be installed to all facades marked in section 13.7 of the same report. In addition a 1.8m high close boarded fence with a minimum density of 15kg per square metre shall be installed along the boundary of the site that adjoins the railway to the north.

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

4.4.1 SC Regulatory Services (24.11.2017) – Comment:

There is historic land use at an adjacent site which is thought to have been a gas works. Recommend condition requiring an investigation into potential land contamination and remediation on any approval issued.

4.4.2 SC Regulatory Services (30.08.2017) – Comment:

Noise assessment required as application proposes residential properties close to the railway line. Adjacent to a site which contained a gas holder and a condition relating to contaminated land is recommended.

4.5 Environment Agency (02.01.2018) – No Objection:

**Groundwater:** The site is located above a Secondary Aquifer, groundwater Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and contains a surface water body. We consider the previous gas works land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.

We have reviewed the Phase 1 Site Appraisal (Ref: B16295, dated 16.12.2016) and are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

Groundwater is potentially at shallow depth and the site is located in a groundwater source protection zone (SPZ3); we do not agree with the desk study conclusions that there is a low risk to controlled waters and further comprehensive intrusive investigation and analysis will be required. We are aware of a development proposal adjacent to this site for which we have recommended contaminated land conditions. We are aware that significant soil and groundwater impacts have arisen as a result of the former gasworks activities on the adjacent site. Therefore as well as the former gasworks infrastructure on this site there may also be off site sources of gas works contamination to take into account and the scope of intrusive investigation works and monitoring should be designed accordingly. When undertaking the required further site investigation reference should be made to the DoE Industry Profile for gas works (<https://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/198-doe-industry-profiles>) to ensure that a comprehensive list of potential gas works' contaminants is tested. For example in addition to the determinands proposed, analysis for ammonia, nitrate, sulphide, sulphate, thiocyanates, complex and free cyanide should also be included.

**Condition:** No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: 1. The results of a site investigation based on the submitted Site Appraisal and a detailed risk assessment, including a revised CSM. 2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary. 3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.

**Reason:** To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

**Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. It should be demonstrated that any proposed piling will not result in contamination of groundwater.

**Condition:** Piling or any other foundation designs and investigation boreholes 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 and prevent the pollution of controlled waters from potential

pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency’s approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

4.6 Severn Trent Water – No Objections:

Recommend condition requiring the submission and approval of drainage plans for the disposal of foul and surface water flows and the scheme implemented in accordance with the approved details before the development is first brought into use, to ensure satisfactory drainage; to prevent or avoid exacerbating any flooding issues and to minimise the risk of pollution.

4.7 SC Affordable Housing (25.01.2018) - No Objection.

The extra care element of this current proposal is supported for the reasons outlined by the applicant in the supporting documentation. The units will provide rented tenure; the terms and allocation of which should be reflected in the S106 Agreement should the development be supported. The 30 rented units will support the delivery of affordable housing in an area of high housing need and therefore this element of the proposal is supported by the Housing Enabling team. The following conditions were suggested for the extra care scheme at Ellesmere Road, Shrewsbury and should be reflected in the current proposal:-

1. The extra care residential units of accommodation (Sui generis) shall not be used for any other purposes including those uses within Use Class C2 or C3 of the Town and Country Planning (Uses Classes) Order 1987 as amended, and the occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care.

Reason: The extra care apartment block is unsuitable for general needs housing due to the lack of parking and amenity provision.

2. The extra care units shall solely be occupied by those demonstrating a local connection as defined in the Shropshire Affordable Housing Allocation Policy.

Reason: To meet the identified extra care housing need in Shropshire

3. The extra care accommodation made up of 74 units shall be made available as Affordable Rent extra care accommodation and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

The S106 should reflect the following tenures: affordable/discounted and social rented tenure.



#### 4.8 SC Conservation (29.01.18) – No Objection:

Following initial comments a Heritage Impact Assessment has been undertaken and now accompanies this application. The assessment concludes that there will be minor impact upon the Designated Heritage Assets identified at Albrighton Railway Station and that the harm caused by the development upon these heritage assets would be less than substantial. We would generally concur that the harm caused would be less than substantial in this case, this harm must therefore be weighed against the public benefits of the scheme by decision makers.

#### 4.8.1 SC Conservation (07.09.2017) – Comment:

The site does not lie within a conservation area but the north western edge of the development lies within close proximity to the Grade II listed Railway Station, footbridge and railway bridge. The application includes a brief design and access statement but no attempt has been made to assess the impact of the proposal on the adjacent heritage assets. The proposed extra care apartment block is set to the north western boundary of the site within approximately 30 meters of the nearest listed building. The scale and dominance of this building in this location has the potential to have a detrimental impact upon the listed building. This needs to be explored further in a heritage impact assessment. Please re-consult conservation when this information is available.

#### 4.9 West Mercia Constabulary – No Objection:

Applicants should aim to achieve Secured by Design (SPD) award status.

#### 4.10 SC Archaeology – No Objection:

An archaeological and heritage desk-based assessment (EDP, April 2015, Report Reference EDP2602\_02b) was recently compiled in relation to this application site (available under application 15/02448/FUL). This report concluded that the current proposed development site is considered to have a low archaeological potential for all periods.

In addition to the results of the desk based assessment, it is noted that the transcription of the Tithe Award map for Albrighton Parish of 1846 indicates that the western extent of the development area was known as Great Show or Brick Kiln Field. It also records a Pit, which today forms the pond lying within this part of the application site, and may represent the remains of a former clay pit. There is therefore some potential for below ground remains relating to postmedieval brick kilns to be present within the proposed development site, and as such the application site is considered to be of low to moderate archaeological potential.

#### RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy

MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development. An appropriate condition of any such consent would be: -

**Suggested Conditions:**

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.

4.11 SC Parks and Recreation – No comments.

4.12 SC Drainage – No Objection:

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

1. The proposed surface water drainage strategy in the FRA is acceptable in principle.

The use of soakaways should be investigated in the first instance for surface water disposal. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. Should soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

3. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be

provided to ensure that the drainage system remains in good working order throughout its lifetime.

4. Details of the proposed highway surface water drainage systems should be provided.

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

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

-Public Comments

4.14 64 Objections have been received which are summarised below. The full text of the comments may be viewed on the planning file:

-Traffic congestion problems on Shaw Lane caused by doctors' surgery and school; no mention of this linked issue in Transport Assessment.

-With linked road to Boningale development it can be assumed that some of this traffic will seek egress onto Shaw Lane to reach M54.

-Station parking is also a problem, with parking restrictions pushing car parking onto Shaw Lane and adjacent roads.

-Use of rail and school likely to have to expand, with requirements for more car parking.

-Safety issues with access alongside that to the school.

-At peak times up to 200 children are deposited or collected at the school in a short period of time; driveway and footway are used to manage this flow.

-Improved perimeter school fencing needed for security with adjacent land changed from agricultural to residential use; planning condition needed to ensure safe perimeter fencing and gates to school site.

-If development is for Senior Citizens would be no surprise if ambulance traffic adds to congestion.

-Question times of traffic counts when school day end at 1515 and that time was not covered.

-Construction traffic a safety risk to school children.

-Noise from construction works harm health and education of school pupils and staff and education of pupils.

-Should not access into Shaw Lane but find a route closer to the station.

- Other developments in the area which have been approved must be taken into account to assess overall impact.
- All access should be via Kingswood Road.
- Hazardous driving on Shaw Lane from 8.00am to at least 6.30pm.
  
- Need independent traffic survey.
  
- Need to increase station parking.
- The development should provide better parking for the school and station users.
- Inadequate public transport service to cope with increased passenger numbers.
  
- Overload foul drainage in Shaw Lane.
- School access road prone to flooding.
- Drainage should not be connected to overloaded pipes in Shaw Lane.
  
- Charing for parking at The Crown Public House will exacerbate congestion in the Shaw Lane area.
  
- Object to large 3 storey building as no other buildings of 3 storey scale in village
- Additional patients for already full medical centre.
  
- Site for care home more suited for commuter homes.
- Noise disturbance from railway would affect residents.
- Village needs more young folk and not a sizeable car home.
  
- Previous suggested plan by Boningale Homes had more merit.
  
- Density of development not sustainable.

4.14 Albrighton and District Civic Society – Object:

- Access would only be from the widened school drive and there are not rights to drain into the Boningale Homes drainage/sewage system to the south.
- Considerable traffic congestion problems in Shaw Lane; traffic study done avoiding times when school children were being brought to/from school and not always when the medical centre was open.
- Not acceptable for development to use Shaw Lane for access.
- Foul and surface water joint drainage pipe in Shaw lane to be connected to is already overloaded; whilst drainage works done after major flooding a few years ago the system is still fragile in the Shaw Lane area.
- No additional parking proposed for railway station users.
- Would lose the benefits offered by the overall Boningale Pkan for the whole site; original SAMDev based concept would be fundamentally and adversely changed.

4.15 St Marys School – Comment:

-Priority is to ensure proposals have no negative effects on the school and its operation.

-Lichfield Diocesan Trust owns the area of the school buildings and the top part of the drive, with Shropshire Council owning the playing fields and former caretaker's house.

-Current exclusive use of school access allows school to manage the peak flow of children and parents at the start and end of the day by closing off all vehicular access along driveway and member of staff standing by gates onto Shaw Lane. ---- Proposals would remove the school's ability to separate vehicles and children at peak demand.

-Developer's proposals to increase footpath on south side of access road to a minimum 2.2 width, install barrier fencing at the kerb on the south side of the access road, install raised table on access road in front of school entrance, provide new gates at school entrance and lighting, and to provide double yellow 'no parking' lines the length of the access road ending after the vehicular entrance to the sheltered housing are proposals that will improve safety for the children.

-Development proposal would require school boundary fencing to be improved to meet child safeguarding requirements. Preference would be for 2m high Paladin colour coated weldmesh fencing to the school boundary proposed by the developer or made on condition of a planning permission.

4.16 Letter from MP (Mark Pritchard) – Objects:

-The Development is not contained in the SAMDev Plan

-Development does not include parking for the station which is essential for the future of the railway.

-The three storey extra care apartments would be detrimental to the visual amenities of the area.

-Concerns over highway congestion and highway safety with access and egress solely from Shaw Lane.

-No approved sewage and drainage scheme for the development and system is already overloaded causing flooding in the area.

-Not in keeping with the ancient character of the area.

**5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design of structures and impact on setting of heritage assets

Landscaping and Ecology

Open Space

Residential and School Amenity

Highway Safety and Parking

Drainage

Contamination  
Housing Mix  
Archaeology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The land comprising the application site is part of the housing land allocation ALB002 set out in the adopted Shropshire Council Site Allocations and Management of Development (SAMDev) Plan under the settlement policies set out in that document. The schedule S1.1a: Housing Sites for land east of Shaw Lane (ALB002) has a provision guideline of 180 units. The Development Guidelines set out in this housing allocation state:

*“The provision of affordable housing as part of the development should have particular emphasis on intermediate housing for local needs, assisting any innovative forms of community-led provision as appropriate. Amongst the market housing, a proportion of one or two bed units will be sought.*

*Development proposals should help provide additional parking in the vicinity of Albrighton railway station. As part of the development, land will be provided on or adjoining the site for open space and leisure facilities including a children’s play area, adult football pitch, youth shelter, multi-use games area and leisure centre/sports hall, with good pedestrian connections to the village.*

*Proposals must provide for the long term comprehensive development of this site and facilitate an eventual through-road between Kingswood Road and the northern end of Shaw Lane. The site layout should allow for integration with future development on the safeguarded land over the longer term.”*

6.1.2 The Albrighton Neighbourhood Plan ‘Light’ was endorsed by Shropshire Council in September 2013. Whilst the ANPL has not been subject to independent examination and has not gone through a referendum, and as such does not form part of the Development, it is a material consideration that reflects the views of the community. That document also identifies the land which includes the current application site as a location for up to 180 dwellings.

6.1.3 There is no in-principle Development Plan Housing Policy objection to residential development on this land. The acceptability or otherwise of this proposal is to be determined by the consideration of the detailed planning issues set out below.

### 6.2 Siting, scale and design of structures and impact on setting of heritage assets

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60

that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 relates to Sustainable Design and complements policy CS6, seeking to ensure, among a number of matters, that development responds appropriately to the form and layout of existing development in the vicinity; reflects locally characteristic architectural design and details; and to embrace opportunities for contemporary design solutions which take reference from and reinforce local distinctiveness.

- 6.2.2 The proposed house types would be well proportioned and appropriate for this location. The proposed external finishes would reflect features found in and around Albrighton. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, bay windows, canopy porches and variations in ridge heights and setbacks from the roads would provide variety and interest to the street scenes. The proposed extra care building would utilise the same palette of materials and finishes proposed for the dwellings and, while a large structure, the fenestration detailing, coupled with the lower end sections, would ensure that the building would not appear out of scale with its setting.
- 6.2.3 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions (Section 66). There is a similar duty (Section 72) with regard to having special regard to the impact of developments upon the setting of Conservation Areas. The Heritage Assessment Statement submitted identifies that the listed buildings in the locality include the Albrighton Railway Station and foot bridge, and railway bridge, all listed grade 2. It assesses the impact of the proposed development on these designated heritage assets in accordance with Section 12 of the National Planning Policy Framework (NPPF). It demonstrates that the development would not be visible and hence would have a negligible impact on the station buildings as a group from the platforms; there would be no inter-visibility with the railway bridge and, while the short north west wing of the apartments would be visible in a view of the south west elevation of the station as seen from the junction of Shaw Lane and Station Road, the impact would be minor on this view. The apartments would be clearly seen from the half landing of the southern end of the footbridge, but this would be a minor impact to the collective view of the group when viewed from the footbridge. The Assessment also states that the roofs of the apartments would cause impact on views out of the station building and car park, with this impact being partially mediated by the existing screen of conifer trees. Officers consider the conclusions to this assessment to be sound. The Conservation Officer concurs that the harm to the designated heritage assets at

Albrighton Railway Station would be less than substantial in this case.

Paragraph 134 of the NPPF states that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

This is a site that has been identified through the SAMDev Plan as one for residential development and the specific proposal put forward would provide a high proportion of affordable homes (Discussed further at 6.9 below). It is considered that this public benefit is sufficient to outweigh the negligible and minor impacts that the development would have on the listed railway structures. A refusal on the grounds of an unacceptable impact on the setting of listed buildings could not be sustained in this case.

- 6.2.4 The two Albrighton Conservation Areas are some 250 metres and 400 metres respectively from the application site and would not be impacted upon by the proposed development, due to the topography and the presence of existing built development.

### **6.3 Landscaping and Ecology**

- 6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. SAMDev Plan policy MD12 sets out how the avoidance of harm to Shropshire’s natural assets and their conservation, enhancement and restoration will be achieved. The Planning Ecologist has assessed the revised scheme and is content that Great Crested Newts are not a constraint at this site. There are no badger setts that would be affected by the proposals. The four trees identified as having bat roosting potential would be retained in the development. Conditions are recommended which include approval and implementation of a habitat management plan; adherence to the great crested newt reasonable avoidance mitigation measures strategy; approval of any external lighting; provision of bat, bird and hedgehog boxes and a pre-commencement check for badger activity. It is considered therefore that the proposals would not harm ecological interests.
- 6.3.2 The proposed development would retain the existing trees that are of landscape significance within the site, incorporating them into two of the areas of public open space. The new tree and hedge planting proposed would be of appropriate species and the proposed positioning within the areas of public open space, in selected positions in the street scene in private gardens and on site boundaries, would enhance the townscape.
- 6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy



policy CS6 and SAMDev Policy MD2 and would not detract from the quality of the built environment and landscape setting to this part of Albrighton, satisfying also Core Strategy policy CS17, SAMDev Plan policy MD12 and the neighbourhood plan 'light' design considerations set out in policy ALB11.

#### **6.4 Open Space**

6.4.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. This guidance has been updated and incorporated into the adopted Site Allocations and Management of Development Plan (SAMDev) in policy MD2 which advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30 sqm per bedroom. Sustainable urban drainage (SuDS) areas may be counted as part of the open space in a development where they are shown to be capable of dual use. For example a SuDS pool which does not hold water permanently and has gentle gradients to its banks can function as part of the public open space. Two of the areas of public open space would accommodate attenuation ponds (SuDs pools) in this case.

6.4.2 The quantity of public open space that would be provided within four areas of the development, and around the extra care building would amount to some 9125sqm (Excluding the pond), exceeding the target of 8490sqm from applying the 30sqm set out in policy MD2. Open space can be in the form of space for play, recreation, formal or informal uses including semi-natural open space. It is considered that the amount of open space in the various forms which would be delivered by the proposed development would be acceptable in the context of SAMDev policy MD2.

#### **6.5 Residential and School amenity**

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest dwellings to the proposals are Dashworth Cottage adjacent to the northern site boundary, properties along Shaw Lane and the caretakers dwelling at the school. In the case of Dashworth Cottage, and the planning permission for dwellings on the adjacent builder's yard (ref 17/02469/FUL), the development scheme proposes bungalows to the south/south west of them to ensure that privacy would not be unduly harmed and to ensure no significant loss of sunlight/daylight or overbearing impacts. With respect to the properties on Shaw Lane there would be a separation distance of some 75 metres from the extra care building to the east/north east of them. The former caretakers dwelling is situated some 50 metres south of the proposed extra care building, with the shortest distance between the latter and the school building to the south measuring some 45 metres. It is considered that these separation distances, coupled with the juxtaposition of existing and proposed buildings, would ensure that residential and school amenity would not be unduly harmed in terms of privacy, daylight/overshadowing and the new development would not be overbearing.

6.5.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. A noise and vibration assessment has been submitted with the application which makes recommendations for attenuation in respect of glazing to be incorporated in the

specification of windows in properties near to the railway line. The Council's Regulatory Services Team are content with the findings of the noise report and recommend a condition requiring the specified standard of glazing to be installed, together with a 1.8m high fence with a minimum density of 15kg per square metre be installed along the boundary of the site that adjoins the railway to the north, in order to safeguard the residential amenity of the proposed development.

6.5.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue can be addressed by conditions requiring the submission and approval of a construction method statement and restricting construction times to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturdays and no construction on Sundays, Bank or Public Holidays.

6.5.4 The school premises would be adjacent to the large area of open space in the application site which contains the existing pond, with the side gardens of two dwellings abutting the remainder of the boundary with the school and associated land. The application drawings show the existing fence to the boundary with the school retained and supplemented with new hedge planting by the open space, and a 1.8m high close boarded fence installed to enclose the side and rear gardens of the dwellings. Comments received have expressed concern that the proposed development would increase the vulnerability of the school premises to crime and impact on the school's safeguarding obligations to school children. It is not uncommon for school grounds to be surrounded by residential development or to have public footpaths in close proximity. The presence of the proposed houses would give passive surveillance of areas of the school grounds, which it is suggested would be an enhancement to security. Details of fencing to enclose the rear garden areas and the edge of the public open space would be conditioned on any approval issued, to allow the adequacy of the existing fencing on this boundary to be reviewed.

## **6.6 Highway Safety and Parking**

6.6.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic 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 reduced. It seeks to achieve safe development and part of achieving this is to ensure the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

- 6.6.2 Highways Development Control have commented that they are content that the proposed highway layout within the site is acceptable on highway safety grounds. (At the time of writing this report the agent has been asked to check the vehicle tracking for service vehicles on the tighter bends in the development, which may lead to some minor adjustments of the layout) The SAMDev Plan Housing site allocation S1.1a (ALB002) policy sets out a number of development guidelines setting out what it is expected development proposals for the land will achieve: These include the statement –

*“Proposals must provide for the long term comprehensive development of this site and facilitate an eventual through-road between Kingswood Road and the northern end of Shaw Lane. The site layout should allow for integration with future development on the safeguarded land over the longer term.”*

- 6.6.3 The proposed site layout would leave open the option of an easterly extension of the main access road into the safeguarded land. The amended site layout plan has amended the alignment of the southern cul-de-sac so that it would align with a road in the layout of the residential development in planning application 15/02448/FUL, on which (At the time of writing) it has been resolved to grant planning permission subject to the completion of a Section 106 Agreement relating to affordable housing and the maintenance of public open space. This alignment would provide a through route for pedestrian and cyclists, but not for motor vehicles, in accordance with the above development guideline.

- 6.6.4 The two parking spaces proposed for each dwelling accords with the parking standards of the former Bridgnorth District Council for Southeast Shropshire and matches that which has been accepted in the schemes for the southern part of this allocated housing site. The amount of parking proposed for the extra care flats (37 spaces to serve 74 flats) equates to one space for two flats and this slightly exceeds the ratio of spaces to flats that was accepted in the extra care development at Salop Street Bridgnorth (27 spaces to serve 58 flats – ref 11/01349/FUL). It is considered that the amount of off road parking proposed for the residential accommodation would be adequate and not result in conditions detrimental to highway safety.

- 6.6.5 The SAMDev Plan Housing site allocation S1.1a (ALB002) policy includes Development Guidelines which include the statement:

*“Development proposals should help to provide additional parking in the vicinity of Albrighton railway station.”*

This is echoed by the Albrighton Neighbourhood Plan Light policy ALB2b which states that any development will be expected to provide or enable the provision of additional parking adjacent to Albrighton railway station in order to serve the parking needs of rail passengers using the station. Both policies are silent on the

quantity of parking or how it would be managed. If this parking is to be provided within the housing site allocation the expectation is that this would be in the north west corner of the allocation, closest to the railway station with the pedestrian route being the shortest possible via Shaw Lane. Vehicular access to the car park area would be either from the south via Kingswood Road and the road infrastructure in the approved schemes for residential development in the southern half of the allocation, or from Shaw Lane if that access and the immediate local road network is shown to have adequate capacity. This area, however, would be occupied by the extracare flats in the present scheme, and as originally submitted the site layout would not have delivered any on-site parking for the railway station.

6.6.6 The applicants have responded to this development guideline by amending the proposed site plan to provide 12 car parking spaces within the site for the benefit of users of the railway station. (The station approach and forecourt can accommodate 26 vehicles with tight parking). These spaces would be positioned opposite the proposed extra-care accommodation, on the southern side of the access road. The car parking would be on the basis of permit holders only, with permits issued by Jessup who would retain ownership of the spaces. They state that appropriate signage would be erected adjacent to the spaces setting out how permits could be obtained. The application as amended would therefore deliver an increase of some 46% in the amount of off-road parking available in the immediate locality for railway station users. It is considered that the provision of these spaces and their management as proposed would address the development guideline of the SAMDev Plan housing allocation S1.1a (ALB002).

6.6.7 An area of concern raised by the Council's Highways Development Control Team, the Parish Council and objectors with respect to highway safety matters is the capacity of the local road network and a single access from Shaw Lane, with the alterations proposed, to accommodate safely the amount of vehicular likely to be generated by the proposed development. The Transport Assessment submitted with the application comments that there have been no personal injury collisions in the vicinity of the site for the latest five year period and the analysis shows no evidence of any existing road safety problems on Shaw Lane. It comments that it is possible to walk to all local amenities from the site within 10 minutes, and to cycle to them within 5 minutes. The site is close to Albrighton railway station and an hourly bus service runs along Station Road providing hourly connections to Wolverhampton, Albrighton centre, Shifnal and Telford. The modelling of traffic movements, based on survey data from June 2016, national trip generation data relating to the type and scale of accommodation proposed, and projected forward to 2021 have been analysed by the Transport Consultants, who conclude the improved school/site access, and Shaw Lane to both the north and south of that access would (With the proposed development) continue to operate satisfactorily both now and in the future. The Assessment concludes that the residual cumulative impact of the development (See paragraph 6.6.1 above) cannot be considered to be "severe" as defined by paragraph 32 of the NPPF, and comments therefore that the development should not be prevented or refused on highway or transport grounds.

6.6.8 The Council's Highways Consultants raised queries about this Assessment and the

conclusions reached. A Technical Note to supplement to the Transport Assessment was submitted by the applicant's transport consultant in response to the queries raised. The comments of the Council's Highway Consultants on this Technical Note may be found at paragraph 4.2.1. A meeting was subsequently held with the applicant's agent and transport consultant which identified issues to be addressed from a highways perspective. A further Technical Note was submitted by the applicant's Transport Consultant in response to the issues raised by SC Highways Development Control at the beginning of January 2018. In summary, this response states:

*-It is unacceptable to their client that vehicular access to the full development cannot be taken from Shaw Lane and that it will be possible to maximise sustainable connectivity for this development by providing potential pedestrian and cycle links to the Boningale Homes development.*

*-The school driveway is under the control of their client and the school has a right of access over it.*

*-Their client is not prepared to either reduce the scale of the development served from Shaw Lane or to seek an alternative vehicular access (From the South) as the traffic generated from the current proposals is very modest in scale and the road and junction layout entirely fit for purpose. The access would be improved to adoptable standards and the school gates relocated to where the school's vehicular access turns into the school grounds.*

*-The footway on the school side of the access would be widened to 2.2m with a guard rail provided, and a raised table introduced in response to the school's request for traffic calming measures.*

*-Happy for the access to the adjoining development to be restricted to pedestrian and cycle only but at this time do not believe it is necessary to include emergency vehicle access, but potential for future vehicular connectivity provide for in submitted layout.*

*-Visibility splays at the site access on Shaw Lane of 2.4m x 43m accord with Manual for Streets.*

*-Client not adverse to the introduction of a Traffic Regulation Order on Shaw Lane preventing parking either side of the site access and along the new access road up to the vehicular access to the school, which could be dealt with by a financial contribution if a need is established once the development is complete.*

*-Visibility splays from the school and care home accesses accord with the advice in Manual for Streets.*

*-Car parking provided in line with advice provided by Shropshire Council in December 2016 and the SPD published by Bridgnorth District Council in 2004.*

*-There are likely to be 13 people employed in connection with the extra care accommodation; many care and catering staff likely to be local people who would walk and any traffic generation associated with the extra care accommodation is very likely to be outside the traditional peak hour periods.*

*-Client is currently pursuing two possible options to provide additional station parking off site, which would not affect the findings of the Traffic Assessment. (This has now been addressed by on-site provision and the Consultant has advised that the number of spaces, controlled by permit, can be accommodated safely by the*

access road)).

*-Traffic counts for original transport assessment show that in the morning peak that commuters travelling along Shaw Lane had left for work before any children arrived for school. Traffic flows on Shaw Lane in the traditional peak periods are very modest with a total two-way flow of 135 vehicles recorded in the morning peak and 137 vehicles in the evening peak.*

*-Transport Assessment shows that the two way flow resulting from the proposed development will be 50 vehicles in the AM peak and 54 in the PM peak, which is less than one vehicle a minute on average.*

*-General observation that many primary schools in Shropshire that front directly onto roads have far higher traffic flows than those recorded on Shaw Lane or the predicted flows on the access road.*

*-2011 census data shows that the largest employer for people living in Albrighton is RAF Cosford with over 30% working there, with a further 11% living and working locally so opportunities to walk or cycle to work are real.*

*-Believe that there is every likelihood, depending on parents' existing travel patterns, children will walk to school. At time of original surveys no more than a dozen cars were observed dropping children off at the primary school and this will not change as a result of this development. There were one or two examples of children arriving with adults on a bicycle.*

*-Client happy to restrict deliveries to the site during the construction phase to avoid the school start and finish times and this matter has already been discussed with the school.*

*-Remain of the view that there are no overriding highway reasons why a highway objection can or should be maintained.*

- 6.6.9 The Council's Developing Highways Manager, South and Central, response to the above is set out at 4.2. Assessed against the bullet points set out in paragraph 32 of the NPPF, the site is in a sustainable location close to local amenities and public transport facilities, giving opportunities for sustainable travel modes which the travel plans would promote; the access into the site incorporating the pedestrian barrier by the school entrance and the carriageway and pavement widths, together with parking restrictions, would achieve a safe and suitable access to the site for all people, with pedestrian and cycle access also being achievable from the remainder of the allocated housing site to the south; and the alterations to Shaw Lane associated with the widened access road would be an improvement measure to assist in limiting the impacts of development. It is considered that the residual cumulative impacts of the development would not be severe in the context of highway safety. There is no fundamental access capacity or local road capacity issues, which in turn would lead to conditions detrimental to highway safety, that would justify a refusal on highway safety grounds in this case, with the mitigation that can be achieved through planning conditions and clauses in a Section 106 Agreement to address the measures raised in the Highways no objection response. The Section 106 Agreement would secure the provision of a raised table on Shaw Lane at the point of access into the site and restrict parking on the access road, with conditions 3 to 9 in Appendix A addressing the other matters.

## **6.7 Drainage**

- 6.7.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. SAMDev Plan policy MD2 also seeks to incorporate sustainable drainage techniques in developments. A Flood Risk Assessment has been submitted with the application. This confirms that the proposed development falls within flood zone 1. The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme meets this objective and passes the sequential test. The Flood Risk Assessment comments that the sustainable drainage system be designed for the 1 in 100 year storm event, plus climate change with discharge of surface water from the site restricted to Greenfield run-off rates, achieved via the installation of flow control devices. The main foul and surface water for the development would be adopted by Severn Trent Water.
- 6.7.2 The Council's Flood and Waste Water Management Team and Severn Trent Water are content that the precise foul and surface water drainage details can be the subject of a condition on any planning approval issued in this case. The work carried out so far, including the surface water drainage strategy in the Flood Risk Assessment is acceptable in principle, and sufficient to demonstrate that the proposal would not increase the risk of flooding elsewhere or cause pollution of the water environment.

## **6.8 Contamination**

- 6.8.1 Shropshire Core Strategy policy CS6 seeks to secure safe development. With regard to contamination, paragraph 120 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer. It continues at paragraph 121 that decisions should ensure that decisions take account of matters including pollution from previous uses and that adequate site investigation information, prepared by a competent person, is presented.
- 6.8.2 A Phase 1 Site Appraisal Report has been submitted which has been produced by Patrick Parsons. This recommends that a Phase 2 ground investigation be commissioned to include a review all existing site investigation information; window sampling investigation to confirm ground conditions and collect samples for analysis; installation of gas monitoring wells; chemical analysis of soils followed by a risk assessment so that the risk to human health and controlled waters can be determined; and geotechnical and geochemical soils testing of the founding strata to assess strength and suitable grade(s) of buried concrete. The Council's Regulatory Services Team and The Environment Agency are content that these further investigations and the appropriate remediation can be addressed satisfactorily through appropriate conditions on any planning permission issued.

## **6.9 Housing Mix**

6.9.1 Throughout the whole development of 138 units there would be 36 two bedroomed properties; 16 three bedroomed properties and 6 four bedroomed properties; with for the over 55 age groups 6 two bedroomed bungalows; 21 one bedroomed flats and 53 two bedroomed flats. The proportion of affordable dwelling units would be some 79.7%, (110 units) which is well in excess of the minimum current 15% prevailing rate for affordable housing in Albrighton under Core Strategy policies CS9 and CS11. The precise dwelling mix is a marketing decision for the applicant, but it is considered that the mix of development proposed here is varied and would be in accordance with Core Strategy policy CS11 and SAMDev Plan policy MD3, which seek to achieve mixed, balanced and inclusive communities, and the development guidelines to the SAMDev housing allocation S1.1a (ALB002) when considered in conjunction with the range of properties included in permission 08/0907 and the associated reserved matters 14/05456/REM, together with 15/02448/FUL, for the southern part of this housing allocation. (Cumulatively there would be 185 dwellings comprising of 9 one bedroomed; 70 two bedroomed; 54 three bedroomed; 47 four bedroomed and 5 five bedroomed dwellings; plus 21 one bedroomed and 53 two bedroomed extracare apartments on the allocated housing site). The Albrighton Neighbourhood Plan Light does not have the status or weight of a statutory Neighbourhood Plan in determining applications and pre-dates the SAMDev Plan. It has the aspiration that development on the allocated housing site should deliver at least 20% of the units as one and two bedroomed properties and this figure would be comfortably exceeded by this specific development proposal. While the 21 one bedroom flats is less than the 40% of the total of one and two bedroom accommodation referred to in the Neighbourhood Plan Light, this proposal would deliver a high number of two bedroom units in the form of flats, bungalows and dwellings. A refusal relating to a 40%/60% one bed/two bed unit balance not being achieved could not be sustained.

6.9.2 With regard to the extra care flats, the applicants have stated:

*"The provision of older peoples housing is growing in importance as outlined in Shropshire Council's 'Core Strategy' Planning Policy.*

*Paragraph 4.31 states "Development in Market Towns and Key Centres provides a robust basis for meeting the future needs of Shropshire. The ageing population is a particular issue in Shropshire, where 28.4% of the population is expected to be over the age of 65 by 2026. This represents a rise from 50,100 persons in Shropshire over the age of 65 in 2006 to 93,600 persons by 2026. The elderly are more dependent on local services and public transport than the population as a whole, giving an added impetus to the achievement of accessible centres that can provide a good range of services"*

*Policy CS11 addresses the issue of an ageing population, which is particularly important in Shropshire, seeking to ensure that new housing development meets the Lifetime Homes Standard and that there is adequate provision of specialist accommodation, such as extra care housing."*



*The Supplementary Planning Document on the "Type and Affordability of Housing" further amplifies Policy CS11 as follows:*

*"Provision has to be made for the increasing number of elderly people in Shropshire and for other vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided. This provision may be made through the provision of new market housing (eg. for older people), adaptation to existing housing or through some form of specialist provision, such as supported housing for adults with learning difficulties or other types of accommodation to enable people to live independently in their own homes".*

*The Herefordshire & Shropshire Joint Housing Strategy goes on to say "Herefordshire and Shropshire have some of the fastest growing populations of older people in the region and this presents a particular challenge in terms of meeting the needs and expectations of a growing number of elderly and infirm residents". (Pg10)*

*"Therefore one of the key considerations in meeting housing need is:  
· Provision of specialist accommodation which meets local needs including for older people such as Extra Care housing*

*"The growth in the proportion of older people (as outlined previously) presents particular challenges. In particular, it is recognised that there are particular issues relating to feelings of social isolation, a lack of housing advice and housing options, and a desire to stay independent for as long as possible."*

They comment that the proposed scheme at Shaw Lane, Albrighton will contribute directly towards meeting housing needs locally. While there has been no quantification of the local needs specific to Albrighton and its hinterland, the mix of affordable units proposed in the form of flats, bungalows and dwellings, and the care packages that would be associated with the extra care element of this affordable housing would not be out of step with the development guidelines for the housing allocation seeking innovative forms of provision.

- 6.9.3 The Council's Affordable Housing Team has no objections to the number and mix of affordable dwellings in this area of high housing need and the proposed extra care accommodation is also supported in this location for the reasons outlined by the applicant in the supporting information. A Section 106 Agreement would be required as part of any grant of planning permission to ensure that the accommodation remains affordable and be of the appropriate tenures.

## **6.10 Archaeology**

6.10.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policy MD13 seek to protect the historic environment, which includes areas of archaeological interest. They accord with paragraph 141 of the NPPF. An Archaeological and Heritage Assessment has been submitted with the application. The Council's Archaeology Team have studied this report and note that the 1846 Tithe Award map indicates the western extent of the development area was known as Great Show or Brick Kiln Field and it records a pit, which today forms the pond. They consider there to be some potential for below ground remains relating to the post-medieval brick kilns to be present, with the site having low to moderate archaeological potential. A condition requiring a programme of archaeological work to be approved by the local planning authority is recommended as part any planning permission issued, and this would comprise of a watching brief during ground works associated with the development.

## **7.0 CONCLUSION**

- 7.1 The proposed residential development on this land, which forms part of an allocated housing site within the adopted SAMDev Plan, is acceptable in principle.
- 7.2 There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. The development of this land, on part of an allocated housing site, would not detract from the wider landscape setting of Albrighton or the immediate locality, including the setting of listed buildings in the area. The site layout and design of the bungalows, houses and flats would not unduly harm neighbour amenity. There are no ecological, tree protection, archaeological, drainage or contamination reasons that would justify a refusal of planning permission, with appropriate planning conditions being able to safeguard these interests. The amount of open space that would be provided within the development, in various forms, is satisfactory. Affordable housing would be provided in excess of the current prevailing rate and the extra care accommodation would address a growing need for specialist accommodation for the elderly.
- 7.3 The proposed internal road network would not be detrimental to highway safety; and the site is within walking distance of local services and facilities. The proposed layout would not prejudice an eventual through road between Kingswood Road and the northern end of Shaw Lane and would provide a pedestrian and cycle connection to the residential development land to the south. The layout would allow for integration with future development on the safeguarded land over the long term. Station parking would be provided in response to the housing allocation development guideline, with appropriate operation of these spaces achieved through a management plan secured through a planning condition.
- 7.4 There is no fundamental access junction capacity or local road capacity constraints for the scale of development proposed. Taking account of the amendments made to the proposals during the course of considering the application, the highway related measures which can be secured through the recommended conditions and

the Section 106 Agreement, and that a safe and suitable site access would be achieved for vehicles and pedestrians which takes into account the presence of the school premises, it is considered the residual cumulative transport related impacts of the development would not be severe. In such situations the National Planning Policy Framework states clearly that development should not be prevented or refused on transport grounds.

## 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:**

National Planning Policy Framework  
National Planning Practice Guidance

#### **Shropshire Core Strategy:**

CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

#### **Site Allocations and Management of Development Plan:**

MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD12 The Natural Environment  
MD13 The Historic Environment  
S1 Albrighton Area

SPD on the Type and Affordability of Housing  
Open Space IPG

Albrighton Neighbourhood Plan 'Light' June 2013

RELEVANT PLANNING HISTORY:

15/02448/FUL: Residential Development of 65 dwellings with access and associated works (Amended Description) at land east of Shaw Lane, Off Kingswood Road, Albrighton. (Relates to land south of the current application site, but originally included this land as well).

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Design and Access Statement

Landscape Management Plan

Transport Assessment

Arboricultural Survey and Report

Flood Risk Assessment

Noise Report

Ecological Report

Newt Survey and Mitigation Strategy

Heritage Statement

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### 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.

3. Before the first occupation of any houses and bungalows in the development a Travel Plan for those properties shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented within one month of the first occupation of any house or bungalow.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the NPPF.

4. Before the first occupation and use of extra care apartments and associated facilities, a Travel Plan for the residents and staff shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented within one month of the first occupation or use of the extra care apartments and associated facilities.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the NPPF.

5. Prior to the commencement of the development full engineering details of the new access roads, footways, pedestrian safety barriers, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings and extra care apartments that they would serve are first occupied, and the pedestrian safety barrier adjacent to the school entrance installed in accordance with a timetable which has been approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory access to the site, dwellings and associated facilities, in the interests of highway safety.

6. Before the dwellings on plots 55 to 59 are first occupied details of the construction, width and alignment of pedestrian and cycle path from the head of the turning head adjacent to plot 55 to the south western site boundary shall be submitted to and approved in writing by the Local Planning Authority. The path shall be constructed in accordance with the approved details prior to the first occupation of plots 55 to 59.

Reason: To provide pedestrian and cycle connectivity through the allocated housing site, in accordance with SAMDev Plan policy S1.1a (ALB002), in the interests of achieving a sustainable development and options to the use of the private car for local trips.

7. Before the first occupation of any residential property the station parking spaces shall be constructed and details of a management plan for the operation of those parking spaces, together with details of signage, shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed and the use of the parking area shall commence in accordance with a timetable which has been approved in writing by the Local Planning Authority and the station parking spaces shall thereafter be operated in accordance with the approved management plan.

Reason: In the interests of highway safety and residential amenity.

8. Notwithstanding the details shown on drawing number ADL192 Revision A, before the extra care apartments and associated facilities are brought into use visibility splays shall be provided at the car park entrance to those premises in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The visibility splay areas shall thereafter be maintained and kept clear of obstruction.

Reason: In the interests of highway safety.

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:

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

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

10. Demolition and construction work shall not take place outside the following times:

- Monday to Friday 0730hrs to 18.00hrs
- Saturday 08.00hrs to 13.00hrs
- Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

11. The development shall be carried out in accordance with the recommendations of the Arboricultural Report by Tree Heritage Ltd in respect of land at Shaw Lane, Albrighton (Ref: TH17-74, dated 24th July 2017).

Reason: To safeguard existing trees and hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

12. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

13. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

14. No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be carried on in complete accordance with the approved specification.

Reason: The site is known to hold archaeological interest and as such the information is required prior to commencement to ensure that any archaeology is recorded and taken into account in the development of the site.

15. Before any dwelling is first occupied a scheme of fencing to secure the south western boundary of the application site adjacent to the school premises shall be submitted to and approved in writing by the Local Planning Authority, and shall have been installed in accordance with the approved details. The fence shall thereafter be maintained in place.

Reason: In the interests of maintaining school security and to safeguard visual and residential amenity.

16. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, 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.

17. Before first occupation of the dwellings on plots 13-16 and 27-40, glazing and ventilation with the ability to provide the mitigation stated in Table 5 and table 7 of the noise.co.uk noise report reference 17522-1 shall be installed to all facades marked in section 13.7 of the same report. In addition a 1.8m high close boarded fence with a minimum density of 15kg per square metre shall be installed along the boundary of the site that adjoins the railway to the north. Glazing and ventilation that conforms to the minimum standards set out in the noise report and the close boarded fence along the boundary with the railway shall be maintained in place for the life time of the development.

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

18. Piling or any other foundation designs and investigation boreholes 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 and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to Groundwater Protection (formerly Groundwater Protection Principles and Practice (GP3)).

19. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

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

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

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

21. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the great crested newt RAMMS, as set out in section 4 of the Great Crested Newt Habitat Suitability Survey and Newt Mitigation Strategy (Stefan Bodnar, October 2017).

Reason: To demonstrate compliance with the great crested newt RAMMS.

22. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

23. Prior to first occupation / use of the buildings, the makes, models and locations of bat, bird and hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
- A minimum of 5 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).
- A minimum of 5 hedgehog boxes.
- A minimum of 1 barn owl box.

The boxes shall be sited in suitable locations where they will be unaffected by artificial lighting and in accordance with a schedule which has been approved in writing by the Local Planning Authority. The boxes shall thereafter maintained for the lifetime of the development.

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

24. The extra care residential units of accommodation (Sui generis) shall not be used for any other purposes including those uses within Use Class C2 or C3 of the Town and Country Planning (Uses Classes) Order 1987 as amended, and the occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care.

Reason: The extra care apartment block is unsuitable for general needs housing due to the limited parking and amenity provision.

25. The extra care units shall solely be occupied by those demonstrating a local connection as defined in the Shropshire Affordable Housing Allocation Policy.

Reason: To meet the identified extra care housing need in Shropshire

26. The extra care accommodation made up of 74 units shall be made available as Affordable Rent extra care accommodation and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

### **Informatives**

1. In arriving at this decision Shropshire 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. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy policies:

CS1 Strategic Approach  
 CS3 The Market Towns and other Key Centres  
 CS6 Sustainable Design and Development Principles  
 CS9 Infrastructure Contributions  
 CS11 Type and Affordability of Housing  
 CS17 Environmental Networks  
 CS18 Sustainable Water Management

Site Allocations and Management of Development Plan:

MD1 Scale and Distribution of Development  
 MD2 Sustainable Design  
 MD3 Delivery of Housing Development  
 MD12 The Natural Environment  
 MD13 The Historic Environment  
 S1 Albrighton Area

SPD on the Type and Affordability of Housing  
 Open Space IPG

Albrighton Neighbourhood Plan Light June 2013

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

5. Barn owls are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure or take a barn owl; to take or destroy an active nest; to take or destroy an egg; and to disturb their active nests. An active nest is one that is being built, contains chicks or eggs, or on which fledged chicks are still dependant. Barn owls can breed at any time of the year in the U.K. There is an unlimited fine and/or up to six months imprisonment for such offences.

6. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. To avoid harming hedgehogs during the works, site clearance (including removal of piles of deadwood and other potential hibernation sites) should be undertaken between April and October. Materials should not be stacked in the working area before then unless they are raised up on pallets, or similar.

If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

8. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

9. Dewatering the proposed excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features. The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence. We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

10. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters or groundwater.



Committee and date

South Planning Committee

13 March 2018

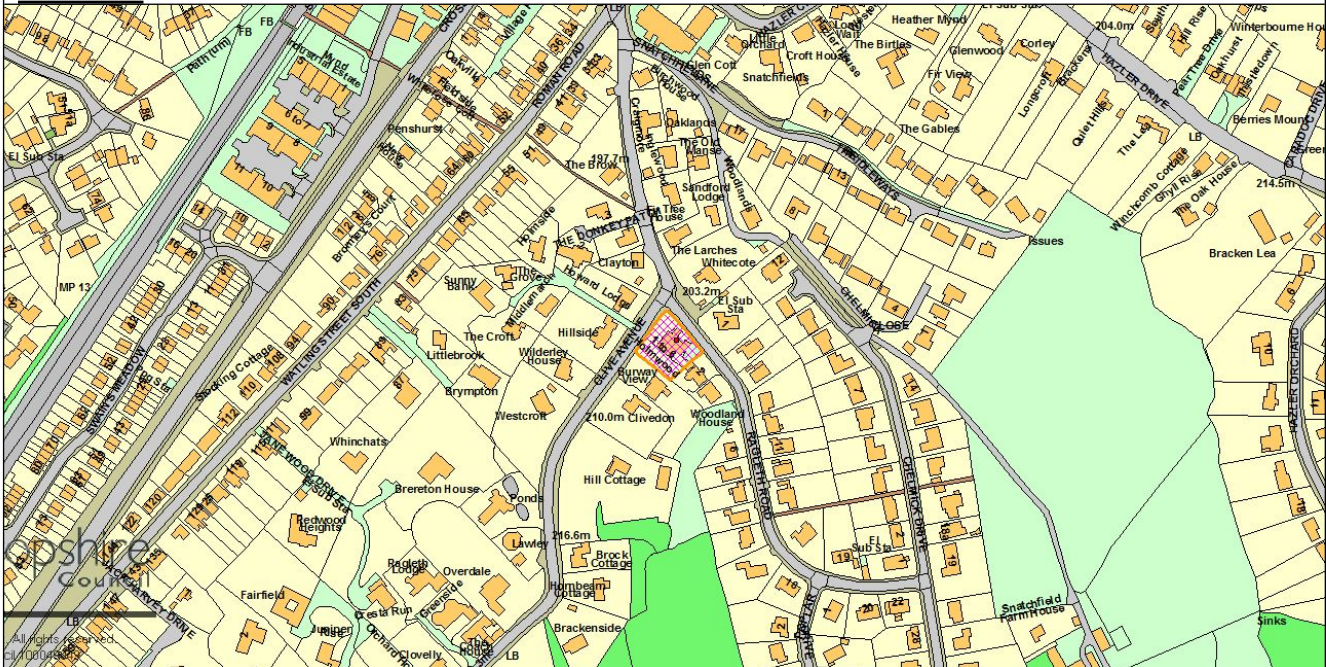
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 17/03840/FUL	<b>Parish:</b>	Church Stretton
<b>Proposal:</b> Erection of extension to existing building to create two additional residential flats (revised scheme)		
<b>Site Address:</b> Holmwood Clive Avenue Church Stretton Shropshire SY6 7BL		
<b>Applicant:</b> Mr Mario Nicholas		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 345754 - 293252



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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 full planning permission to erect a two-storey extension to the southwest side of the above property, which recently has been converted into six residential flats, in order to provide two further apartments. It is a revised scheme following the refusal of a similar one (ref. 15/05520/FUL) in August 2016, for the following reason:

*The infilling with a two-storey extension to the building of this last remaining gap between Holmwood and the surrounding dwellings, the further expansion of hard surfacing within its former grounds and the consequent inability to establish substantial soft landscaping to compensate for previous tree clearance, in direct conflict with outstanding planning conditions, would erode the generally spacious and verdant character of the Clive Avenue street scene. Consequently the scheme would fail to preserve or enhance the character and appearance of this part of the Church Stretton Conservation Area, contrary to Part 12 of the National Planning Policy Framework, Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.*

- 1.2 Since that time the tree planting required in connection with Holmwood's conversion into flats has been agreed and completed in accordance with the relevant planning condition (see application Nos. 11/04549/FUL, 15/01396/VAR and 16/05498/DIS). However no further landscaping details have been agreed for the remainder of the area southwest of the house, whose excavation and enclosure with brick retaining walls is currently unauthorised, but implicit in the current plans.
- 1.3 Amended plans submitted during the course of the application, in response to consultee and community comments, also show:
- a separate vehicular access and two parking bays in front of the proposed extension (originally a larger car park was proposed, whilst an intermediate plan showed no further on-site parking provision at all); and
  - additional soft landscaping across Holmwood's entire frontage.
- It should also be noted that an amended location plan includes within the application site area the entire Holmwood plot rather than just the southwest strip, whilst a perspective drawing and an email from the applicant's agent indicate that a wall built recently around its north corner will be lowered and topped with metal railings.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 Holmwood stands on a corner plot alongside the Clive Avenue/Ragleth Road junction in Church Stretton's southeast suburbs, within the town conservation area and the wider Shropshire Hills Area of Outstanding Natural Beauty (AONB). Used latterly as offices it is a large, detached three-storey house dating from the Edwardian era, designed in an Arts and Crafts vein and finished in brick, render and mock-timber framing under a twin gabled clay tiled roof. As part of its recent conversion a mid-20<sup>th</sup> Century flat-roofed extension to the northeast side has been rendered and enlarged



with a third storey under a gabled roof. Meanwhile the plot has been reduced through housing development both to the southeast and southwest, whilst the surviving garden area between the latter and the original house has been cleared and excavated as noted above. It is this area which the proposed extension would occupy. In general Clive Avenue, which is an unadopted road, is characterised by a feeling of spaciousness, with further large houses set back behind wide grass verges and mature trees.

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

3.1 The Town Council view is contrary to the Officer recommendation and the Ward Members have requested Committee determination. The Vice Chair of the South Planning Committee, in consultation with the Principal Officer, considers that the site history and the application proposals raise material planning considerations that warrant the application being determined by the South Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **Consultee comments**

4.1. Church Stretton Town Council:

12/9/17 – objection:

Clive Avenue is characterised by imposing houses set in large gardens behind wide, grassy verges with mature trees, and Holmwood occupies a prominent position at the start of the road. Its restricted plot is already overdeveloped, and the proposed flats would further increase the overall massing and fill the only remaining gap, creating the impression of ribbon development. This would fail to protect, restore or enhance the conservation area's character and appearance.

4.1.1 A key message in the National Planning Policy Framework (NPPF) is that poor design should be replaced by better design. However the proposed extension, whilst echoing certain features of Holmwood, would not follow any cohesive design, and the variety of different styles, fenestration treatments, roof levels and decorative features would produce a confused mass of buildings overall.

4.1.2 During the conversion of Holmwood itself a large number of trees and hedges were removed without consent, ground levels were altered, and the whole character of the property has become far more hard and urban. Thus, instead of building additional flats, the original ground levels should be reinstated using good quality topsoil, to provide space for native trees and other planting. This would also help to restore some residential amenity for owners of the existing flats.

4.1.3 The current landscaping details are sketchy, and the choice and positioning of trees unsuitable. In particular Tree T1 will deposit honeydew on parked cars, T2 is too small a specimen for a street frontage, whilst in such an elevated position T4 could prove too tall and cause problems at the rear of the site.

4.1.4 The increase in hard surfacing at this site has already resulted in surface water cascading downhill to Watling Street South. Permeable surfacing should be used.

4.1.5 The proposed extension would overshadow and overlook windows on the southwest side of one of the existing ground floor flats, and block afternoon sunlight from its rear terrace. Additionally the kitchen of the new ground floor flat would have poor

natural lighting, and the rear outlook for both units would be very restricted.

4.1.6 The amended plans show roadside parking on land outside the applicant's ownership. This would be impossible to control, even if it were considered visually acceptable. It is also noted that the applicant's agent has now completed 'Certificate B' in Section 24 of the application form. This means the applicant does not control the whole site area, which could reduce the effectiveness of any planning conditions applied to it.

4.1.7 17/11/17 – objection:

The token additional landscaping now proposed does not alter the fact that infilling this small remaining space would represent overdevelopment in both a conservation area and the AONB.

4.1.8 Church Stretton's Conservation Area Appraisal, Town Design Statement and Conservation Design Guide all acknowledge the importance of natural environment features within the street scene. In the case of Holmwood there has been a complete failure to compensate for the erosion of such features through unauthorised tree felling and the removal of green amenity space. Unless the southwest portion of the site is returned to its original state, this scheme would not constitute sustainable development. Indeed Shropshire Council's reason for refusing the previous application sums up the situation succinctly, and should still stand.

4.2 Shropshire Hills AONB Partnership:

18/8/17 – comment:

The local planning authority has a statutory duty to take into account the AONB designation, with the NPPF giving such areas the highest level of protection in terms of landscape conservation. The application also needs to conform to the Council's own Core Strategy policies and Site Allocations and Management of Development (SAMDev) Plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

7/11/17 – comment:

Previous comments reiterated.

4.3 Shropshire Council Flood and Water Management:

21/8/17 – comment:

An informative should advise on the need for a sustainable surface water drainage system designed in accordance with the Council's '*Surface Water Management: Interim Guidance for Developers*' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21 which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater to soak away naturally, with connection to existing drains or sewers being a last resort.

14/11/17 – comment:

Previous advice reiterated.

4.4 Severn Trent Water – no objection:

Since the proposal would have a minimal impact on the public sewerage system, no objection is raised and no further drainage details need be secured by condition.

4.5 Shropshire Council Historic Environment (Archaeology):

24/8/17 – no objection:

No comments in respect of archaeological matters.

4.5.1 22/11/17 – no objection:

Previous advice reiterated.

4.6 Shropshire Council Historic Environment (Conservation):

5/9/17 – comment:

The Conservation Officer's comments on the previous application acknowledged that the extension would appear subservient to the original house, much of whose side elevation would remain visible. Whilst it would decrease the gap between Holmwood and neighbouring 'Burway View', and infill development within the conservation area should be resisted where possible, its subservience combined with Burway View's height and recessed position would avoid a terracing effect. It is also noted that the landscaping scheme agreed under application No. 16/05498/DIS will not be altered.

Given the above there is no objection in principle to this latest proposal, subject to conditions regarding facing materials. It is, however, stressed that any further additions are unlikely to be acceptable, and that the effective implementation of the agreed landscaping is imperative.

4.6.1 21/11/17 – comment:

Although the reintroduction of some parking spaces on the latest plan would reduce the area available for landscaping, overall there would still be a net increase in landscaping relative to that proposed under the previous, refused application. Consequently there is still no objection in principle.

4.7 Shropshire Council Tree and Woodland Amenity Protection:

6/9/17 – comment:

Although the extension would not involve the loss of any more trees, there is still an outstanding requirement for replacement planting on this site under Condition 1 of planning permission No. 15/01396/VAR, in accordance with details agreed under application No. 16/05498/DIS. The current proposals should not be used as a means of postponing that planting, and assurance is sought that it will still be completed by 1<sup>st</sup> February 2018 as agreed. It will also need to be safeguarded under an appropriate tree protection plan before any further development begins.

4.7.1 Moreover, whilst the *additional* landscaping now proposed is welcomed and acceptable in principle, further detail is needed in order to show that it would be viable in the longer term. In particular it will need to be established that:

- the areas proposed for planting will be reinstated with appropriate volumes and levels of good grade topsoil (at very least to BS 3882:2007);
- these areas will be safeguarded with hard landscape features (low walls, bollards etc.) or artificial root protection systems in order to ensure that they are not

subjected to encroachment, compaction or other damage once the development is complete; and

- the choice and position of trees reflects sustainable design in terms of their eventual size and capacity to thrive naturally.

4.7.2 Any permission granted should therefore include conditions requiring more detailed landscaping proposals and planting specifications, a tree protection plan, and the local planning authority's notification once the agreed protection measures have been established. Additionally, 'permitted development' rights for future additions should be removed, in order to protect the new planting long-term.

4.7.3 24/1/18 – comment:

The applicant's agent has now confirmed the intention to implement the previously agreed planting by 1<sup>st</sup> February, and to ensure its ongoing management for the ensuing five years. However it is still not apparent that this has been done. It is therefore recommended that the current application is not determined until the agreed planting has been completed, or if this is unfeasible, that a new condition ensures this planting is established before any further works commence. Other conditions should be as recommended previously.

4.8 Shropshire Council Affordable Housing:

7/9/17 – no objection:

Whilst the Council considers there to be an acute need for affordable housing in Shropshire, its housing needs evidence base and related policy predate the Court of Appeal judgment and subsequent changes to the Government's Planning Practice Guidance (PPG) regarding the use of Section 106 agreements to secure affordable housing contributions. On balance, therefore, if the development is policy-compliant then at this time national policy prevails and no contribution is required.

4.8.1 17/11/17 – no objection:

Previous comments reiterated.

4.9 Shropshire Council Highways Development Control:

19/9/17 – objection:

The details submitted are insufficient to inform a technical assessment.

4.9.1 Although the principle of the development is likely to be acceptable from a highway safety perspective, parking provision does need to be accommodated on the site. It is not evident that the twelve parking spaces approved for the existing flats under application No. 15/01396/VAR have actually been provided, with one plan showing nine spaces and another just seven. Furthermore the latest amended plan indicates parking for the two additional flats on the verge, outside the property boundary. This area is controlled by all owners of this private road, and its use for car parking would need to be negotiated with them.

4.9.2 Any further amended plans should therefore clarify the existing and proposed parking provision. They should also demonstrate that the means of vehicular access, visibility splays and parking and turning facilities for the additional flats would be commensurate with the prevailing local highway conditions and accord with the Government's *Manual for Streets 1 and 2*.

4.9.3 The more houses built off one driveway, the greater area of smooth, level surface is required for temporary roadside bin storage without obstructing the highway or visibility splays.

4.9.4 Informatives should advise on the need to keep the road clear of mud, other material and surface water run-off, and the requirement for a licence for any works on or abutting highway land.

15/11/17 – comment:

4.9.5 No objection subject to the development being carried out in accordance with the approved plans, and to relevant conditions and informatives.

4.9.6 The principle of the development is likely to be acceptable from a highway safety perspective, provided the requisite parking facilities can be accommodated on the site. It would be preferable if storage spaces for refuse bins/recycling boxes were included on the site plan, in order to show how they would be accommodated within the overall layout. The first few metres of the driveway should be given a bound surface in order to avoid loose material becoming displaced onto to the road, where it could affect stopping distances. Some consideration should be given to people who would require access to front doors for deliveries etc. Since gravel driveways make for difficult, tiring walking, a pedestrian route with an alternative surface may be desirable. A condition should prevent the installation of any gates, in order to avoid entering and exiting drivers needing to obstruct the road. Meanwhile informatives should advise on the need to keep the road clear of mud, other material and surface water run-off, and the requirement for a licence for any works on or abutting highway land.

#### **Public comments**

4.10 Fifteen separate households, plus the Strettons Civic Society and the Clive Avenue Residents' Association, object on the following grounds:

- The current scheme is fundamentally identical to that refused previously, with neither the land area nor the scale of the development having changed. Consequently it does not address the key reasons behind that decision, specifically loss of the remaining gap between existing buildings, further urbanisation of the conservation area through expanded hard surfacing, and a continued lack of substantial planting to compensate for previous tree clearance (in conflict with an outstanding planning condition, which should be enforced).
- From all approaches Holmwood already appears stark and institutional, especially as the previously agreed landscaping has not been carried out.
- Even more development, hard landscaping and car parking on this prominent site would appear overwhelming and dominant. It would further erode the character and appearance of the conservation area, which derives from large individual houses in generous well-treed plots, and an overall feeling of spaciousness.
- The extension would actually be, and have the appearance of, separate terraced dwellings, each with their own external entrances.
- The extension would double the width of the original house, which has already been extended and deprived of most of its grounds through other development.
- The size of the extension could potentially be increased further through 'non-

material' amendments.

- The agent's argument that an extension resembling staff quarters maintains Holmwood's character is unconvincing, since no such quarters were present originally.
- The scheme relies on retaining walls constructed speculatively and without planning permission. It would prevent compliance with the previous planning conditions concerning soft landscaping, which would involve reinstating the original ground levels.
- The previously agreed landscaping would be insufficient to soften the appearance of this latest phase of development as well, especially as that planting comprises relatively small, foreign substitutes for native street trees.
- Even in its revised form the proposed additional landscaping is a token gesture compared to the requirements of the original permission. In the positions shown the trees are unlikely to be allowed to reach maturity.
- Compliance with the current landscaping proposals will prove just as difficult to enforce as those approved previously.
- The development would spoil the outlook from the three occupied apartments on Holmwood's south side, overshadow and overlook them, and reduce their value.
- Construction works could physically damage the existing flats.
- For too long neighbours have suffered the eyesore and noise associated with construction work on this site.
- The properties opposite would be overlooked, and subjected to noise and headlight glare from vehicles accessing the new flats.
- The scheme would result in inadequate outdoor amenity space for Holmwood's existing residents.
- The additional planting would reduce the space available for parking. Two parking spaces would likely be insufficient for two dwellings, especially when visitors are present. Roadside parking has already proved problematic, obstructing visibility from the adjacent junction and forcing pedestrians into the road.
- The recent installation of a gate between the development area and the existing car park implies that the latter could also be used by occupiers of the proposed flats. This would be unacceptable to existing residents, whose management company will shortly become the car park's freehold owner. Any further permission should include conditions to ensure closure of this gateway and the establishment of a separate parking area, maintainable at the expense of the new flats' occupiers.
- The legality of further additions/alterations to the overall plans for Holmwood's conversion seems doubtful.

## **5.0 THE MAIN ISSUES**

- Principle of development
- Affordable housing contribution
- Scale, design and impact on conservation area
- Impact on wider landscape
- Residential amenity
- Highway safety
- Drainage

## **6.0 OFFICER APPRAISAL**

## **6.1 Principle of development**

6.1.1 The Council's Core Strategy Policy CS3 identifies Church Stretton as one of Shropshire's larger, 'sustainable' settlements, whilst SAMDev Policy S5 sets a guideline of around 370 additional dwellings to be provided in the town throughout the period 2006 – 2026, on allocated greenfield land plus 'windfall' sites within a predefined development boundary. A key objective of the NPPF, meanwhile, is to boost significantly the supply of housing in general.

6.1.2 This site is in an established residential area inside the development boundary, and close to the town centre services, facilities and employment opportunities. New open-market housing is therefore acceptable in principle, irrespective of whether or not there would be any functional connection with the existing properties at Holmwood. Furthermore, and with reference to one of the public comments, this is not a revision to the original scheme for Holmwood's conversion, but a standalone full planning application which the Council is obliged to consider.

## **6.2 Affordable housing contribution**

6.2.1 To elaborate on the Housing Enabling Officer's comments (Paragraph 4.1.24), Core Strategy Policy CS11 and a related Supplementary Planning Document require all new open-market housing schemes to make an affordable housing contribution (usually a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). In November 2014 a Written Ministerial Statement (WMS) announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds. Whilst the Council acknowledged the WMS as a material consideration it continued to give greater weight to its own policies, arguing that the acute and evidenced need for affordable housing in Shropshire still justified the contribution being made in the majority of cases. Meanwhile other authorities challenged the WMS at the High Court, and in July 2015 Mr Justice Holgate declared it unlawful and the Government withdrew its associated PPG.

6.2.2 On 11<sup>th</sup> May 2016 the Government won a Court of Appeal decision which overturned Mr Holgate's ruling. Consequently the WMS still applies, and the relevant PPG has now been reinstated. Furthermore the Housing and Planning Act obtained Royal Assent on 12<sup>th</sup> May 2016, giving the Government power to achieve the same result (i.e. to set minimum thresholds for requiring affordable housing contributions) via secondary legislation. Thus, although the development plan remains the starting point for planning decisions, the Council now accepts that the WMS is a *significant* material consideration and one which is more up-to-date than its own policies. Therefore, and at the time of writing, it is considered that there are no specific circumstances which would justify giving greater weight to the latter and requiring an affordable housing payment in this particular case, with the relevant thresholds not being met, and the principle of the development being sustainable in any event.

## **6.3 Scale, design and impact on conservation area**

6.3.1 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 12, Core Strategy Policy CS17 and SAMDev Policy MD13, which require great weight to be given to conserving the significance of designated heritage assets in particular. Also relevant are NPPF Part 7, Core

Strategy Policy CS6 and SAMDev Policy MD2, which set out more general design requirements. All development is expected to reinforce local distinctiveness in terms of building heights and lines, scale, density and plot sizes, as well as materials and architectural detailing.

6.3.2 In this case it is acknowledged that the extension's scale and design are unchanged compared to the previous application. However these aspects per se were not part of the refusal reason, with officers commenting at that time that the extension *did* reflect the style and materials of the original house whilst also being clearly subservient on account of its lower height and well recessed frontage, despite it comprising two self-contained apartments, and notwithstanding the previous addition to Holmwood's northeast side. Rather it was the infilling of the last substantial open area surrounding the house that was considered would impact significantly on the generally spacious, verdant and semi-rural street scene, not least because it would reduce the space available for landscaping as required under the then outstanding condition of the revised, 2015 permission for Holmwood's conversion.

6.3.3 The two key differences now are:

- that strategically important tree planting in connection with that earlier phase of development has now been agreed in detail, and indeed implemented in recent weeks; and
- that the latest, further amended plans indicate *additional* planting along the Clive Avenue frontage, mostly in lieu of the larger car park previously proposed for the extension.

6.3.4 Previously the applicant had failed to demonstrate that any meaningful planting, including two 'extra heavy standard' trees as specifically required by the then outstanding condition, was actually compatible with the proposed extension. However the subsequent agreement of those details, and the acceptance by the Council's Tree Officer that (subject to a tree protection plan) the proposed development need not impact upon that phase of planting, has addressed that particular concern satisfactorily. Officers had envisaged that much of the area now proposed for development would be regraded and utilised as outdoor amenity space for the existing flats, and members of the committee may feel that this is still important both visually and in terms of quality of life for Holmwood's current residents. However the fact remains that the applicant's agent *has* now provided sufficient information to demonstrate that the site is physically large enough to accommodate both the extension *and* substantial tree planting.

6.3.5 Consideration needs to be given to whether the requisite tree planting and the supplementary soft landscaping now offered would address the issue of the loss of the gap between Holmwood and Burway View. On balance, officers consider the landscaped forecourt, as well as the backdrop of another specimen tree on the elevated rear garden, would in time soften the extension's appearance and help break up the property's overall bulk and massing enough to mitigate the impact the additional built form would otherwise have, especially given the lack of objection from the Conservation Officer and the fact that the original, 2011 plans for Holmwood's conversion included a car park across almost the entire frontage (drawing No. 1A, application No. 11/04549/FUL).



6.3.6 Clearly, without the prospect of significant and sustainable landscaping, it would still be difficult to argue that any further substantial development of this plot, however good its design, would preserve or enhance the area's appearance. It is therefore critical that, should permission be granted, precise details to include a planting specification and robust methodology are secured by condition, along with the aforementioned plan to protect the newly planted trees. A separate condition requiring notification of the latter's implementation would not, however, be reasonable, despite the previous difficulties in securing planting on this site, since planning legislation is not punitive and it must be assumed in general that the terms of any permission will be complied with. Furthermore it is not necessary to withdraw 'householder' permitted development rights, as these do not apply to flats in any event.

6.3.7 It should also be mentioned that the objectors state Holmwood's existing car park will soon no longer be owned by the applicant. At the time of writing it is still possible to impose a condition specifically requiring extra planting and the lowering of the boundary wall along that part of the site frontage, as now indicated, and that obligation would then transfer to the management company as the new owner. However this might not be considered reasonable, given that the erection of the current wall was exempt from planning control, that additional planting would have some implications for the established car parking arrangements in that area (see Section 6.6 below), and that it could inhibit the growth of another tree (T3) newly planted in pursuance the previously agreed landscaping scheme. Worded as suggested below, Condition 3 would allow some flexibility in this respect.

#### **6.4 Impact on wider landscape**

6.4.1 The AONB is a broad-brush designation which, generally speaking, aims to preserve the essentially open character and scenic quality of the hills which frame Church Stretton, amongst others. Whilst the interlacing of tree cover with the urban fabric of the town is clearly important, and this particular development would still have some localised impact on the street scene, it is not considered that the wider landscape setting would be affected unduly.

#### **6.5 Residential amenity**

6.5.1 Some of the objectors maintain that the extension would leave insufficient outdoor amenity space. However in an arrangement similar to that proposed previously, the plans indicate a shared lawn behind the new apartments, whilst the existing flats would retain their established communal garden areas and enough room for refuse storage. Given the nature of the units and their suburban location, with public open spaces and other leisure facilities within walking distance, this is considered satisfactory.

6.5.2 Undoubtedly the extension would to some extent affect the outlook from the existing flats on Holmwood's southwest side. However, their southwest-facing windows are secondary ones serving shower rooms, a second bedroom and dual-aspect lounges whose primary windows face forwards. Furthermore the closest of the extension's windows would serve shower rooms and have frosted glazing (as can be reinforced by condition), whilst the others would only be visible to the neighbours at a very oblique angle. It is also suggested that using the space directly in front of/below the existing flats' lounge windows for planted beds, as shown on the latest plans, would

potentially provide more privacy and less noise than might have been the case had it been retained as a communal garden for all of Holmwood's residents. Meanwhile the possibility of physical damage or loss of value to the neighbours' properties are civil matters outside the remit of the planning system.

- 6.5.3 The development would also have some impact on No. 2 Ragleth Road behind, but overlooking should not prove severe since the rear windows of the first floor apartment would in fact be level with if not slightly lower than No. 2's ground floor rooms, and hence the existing close-boarded boundary fence would provide sufficient screening. No. 2 may experience some loss of outlook, but the extension would not cause significant overshadowing or appear overbearing, and the Courts have established that the planning system does not serve to protect private views across another's land.
- 6.5.4 It is unlikely that the opposing property, Hillside, would be affected unduly as the front of the extension would be some 34 metres away, whereas a 21-metre separation is generally regarded as acceptable. Meanwhile Burway House to the southwest has no primary windows facing the site, and two of those on its upper floor are obscure-glazed.
- 6.5.5 It is also acknowledged that the development of the Holmwood site as a whole has been protracted. Again, however, this is outside the local planning authority's control, and neither the site's untidy appearance nor noise from construction activity during normal working hours would justify refusing the current scheme. That said, given the constrained nature of the site it would be reasonable to secure a construction management plan by condition.

## **6.6 Highway safety**

- 6.6.1 The additional planting now indicated would be at the expense of a larger car park as was proposed previously. Nevertheless the latest plans do include one parking space for each new flat, and whilst the objectors consider this insufficient, it would be difficult to sustain a refusal on these grounds given the suburban location where other modes of transport are available, that the Council's policies include no formal parking standards, and that ultimately there are no restrictions on roadside parking in this location.
- 6.6.2 Additionally, the extra landscaping shown in front of Holmwood itself would appear to involve the loss of one existing parking space there. Again from a highway safety perspective this might be tolerated, especially since the revised, 2015 scheme for Holmwood's conversion provided twelve parking spaces rather than ten as approved originally, back in 2011. However, as mentioned above a reduction might be resisted by the residents' management company, so it may be preferable instead to retain the existing layout (including the current boundary wall and a single tree) on this part of the site.
- 6.6.3 The possibility of additional residents using the existing car park, and the presence of an internal gateway to it, are civil matters to be resolved by the parties concerned.
- 6.6.4 Regarding other points made by the Highways Development Control Team:

- Roadside refuse storage on collection days should prove no more problematic than elsewhere in the town.
- The surface of the access/parking area could be agreed under the aforementioned landscaping condition. Gravel would have clear advantages over most bound surfaces in terms of appearing less stark and being permeable.
- A condition prohibiting external entrance gates is not considered reasonable given the presence of gated accesses elsewhere along Clive Avenue, and that the latter is a lightly trafficked private road.

## **6.7 Drainage**

6.7.1 The development would increase the extent of impermeable surfacing at the site, but details of sustainable drainage systems (SuDS) could be secured by condition given the Town Council's particular concerns in this case. The objective would be to mimic greenfield run-off rates to avoid exacerbating flooding elsewhere.

## **7.0 CONCLUSION**

7.1 The scheme is acceptable in principle since the site is in an established residential area within the development boundary of a sustainable settlement. It would largely infill the last remaining gap between Holmwood and the surrounding dwellings, but unlike the previously refused proposals it includes sufficient information to demonstrate compatibility with the substantial tree planting now completed in connection with the earlier phase of development, and also with further, supplementary landscaping as now proposed. Officers consider that these factors, in combination with the extension's reasonably sympathetic design and subservient scale, could be held to tip the balance in the scheme's favour by maintaining the spacious and verdant character of the conservation area. Furthermore there are no undue or insurmountable concerns regarding the wider landscape character, residential amenity, highway safety or drainage, while in this instance greater weight is given to the Court of Appeal decision on the November 2014 WMS than to the Council's own policy requirement for an affordable housing contribution. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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

### **8.1 Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

## 8.3 **Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

## 10.0 **BACKGROUND**

### **Relevant Planning Policies:**

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

#### Core Strategy Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

MD13 - Historic Environment

S5 – Church Stretton

Supplementary Planning Documents:

Type and Affordability of Housing

**Relevant Planning History:**

11/04549/FUL – Conversion of existing building from offices to six residential apartments, and formation of parking facilities (permitted September 2012)

15/01432/AMP – Non-material amendments to planning permission No. 11/04549/FUL (replacement of porch; revised bay window design; rendered finish to eastern projections; addition of Juliet balconies to front second-floor openings; alterations to fenestration and internal layout) (permitted April 2015)

15/01396/VAR – Variation of Condition 3 of planning permission No. 11/04549/FUL so as to allow alternative on-site parking arrangements (permitted September 2015)

15/05520/FUL – Erection of extension to existing building to create two residential flats (refused August 2016)

16/05498/DIS – Discharge Condition 1 (landscaping) of planning permission No. 15/01396/VAR (part discharged May 2017)

**11.0 ADDITIONAL INFORMATION**

**List of Background Papers:**

Application documents available on Council website

**Cabinet Member (Portfolio Holder):**

Cllr R. Macey

**Local Members:**

Cllr Lee Chapman

Cllr David Evans

**Appendices:**

Appendix 1 – Conditions and Informatives

## APPENDIX 1 – CONDITIONS AND INFORMATIVES

### STANDARD CONDITIONS

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 in strict accordance with the approved, amended plans and drawings.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
  - Identification of existing trees, shrubs and hedgerows which are to be retained
  - A tree protection plan in accordance with BS 5837:2012, and which includes identification of appropriate construction exclusion zones and tree protection fencing
  - Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with any level changes
  - Details of proposed planting schedules, methods and aftercare provision
  - Details of the type/construction, alignment and height of all walls, fences, trellises, retaining structures and other boundary treatments/means of enclosure
  - Details/samples of hard surfacing materials
  - Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, trellises, walls, hardstandings and other hard landscaping features shall be retained, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, and to preserve the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

4. No development shall commence 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, and shall include provision 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
- iv. the erection and maintenance of security fencing/hoardings
- v. wheel washing facilities
- vi. control of dust, dirt and noise emissions during construction
- vii. timing of construction works and associated activities
- viii. recycling/disposal of waste resulting from demolition and construction works

Reason: To safeguard the visual and residential amenities of the area, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. No development shall commence until precise details of surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- Percolation test results and sizing calculations in respect of any surface water soakaways, to accord with BRE Digest 365
  - Provision for installation of a silt trap or catch pit upstream of any soakaway drainage fields
  - Details of measures to prevent surface water run-off onto adjacent roads, land or property
  - Details of any other Sustainable Drainage Systems (SuDS) to be incorporated into the development
  - A drainage layout plan

The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be retained.

Reason: To ensure that the development is provided with satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

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

6. No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory and to safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework

Adopted Core Strategy and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

7. Before construction of the roof begins, samples/details of the its materials and finishes, to include ridge treatments and detailing of eaves, valleys, verges and verge undercloaks as appropriate, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory and to safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

8. Prior to their installation, full details of all external doors, windows, roof lights and other fenestration/joinery, to include details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and thereafter retained.

Reason: To ensure that the external appearance of the development is satisfactory and to safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

## **CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

12. The two left-hand (shower room) windows on the front (northwest) elevation of the development hereby permitted shall be fitted with obscured/frosted glazing and thereafter maintained in that condition, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order).

Reason: To maintain a reasonable standard of privacy in neighbouring properties, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy.

## **INFORMATIVES**

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.



Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team ([cil@shropshire.gov.uk](mailto:cil@shropshire.gov.uk)).
3. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

4. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
5. If any vehicular access and/or parking/turning area would slope towards the highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the highway or into highway drains.
6. Before any new connection to the public mains sewer is made, including any indirect connection or reuse of an existing connection, consent from the service provider must be obtained.
7. This planning permission does not authorise any right of passage over, or the obstruction, realignment, reduction in width, resurfacing or other alteration of, any private driveway or right of access. Before carrying out any such operation you should first satisfy yourself that you have the necessary consent from the landowner(s) and any other affected party, if necessary by taking legal advice.
8. Your attention is drawn to the relevant provisions of the Party Wall etc. Act 1996, which may require notification of the works hereby permitted to all affected neighbours. More

detailed information on party wall matters should be obtained from a suitably qualified and experienced professional.

9. 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.



Committee and date

South Planning Committee

13 March 2018

## Development Management Report

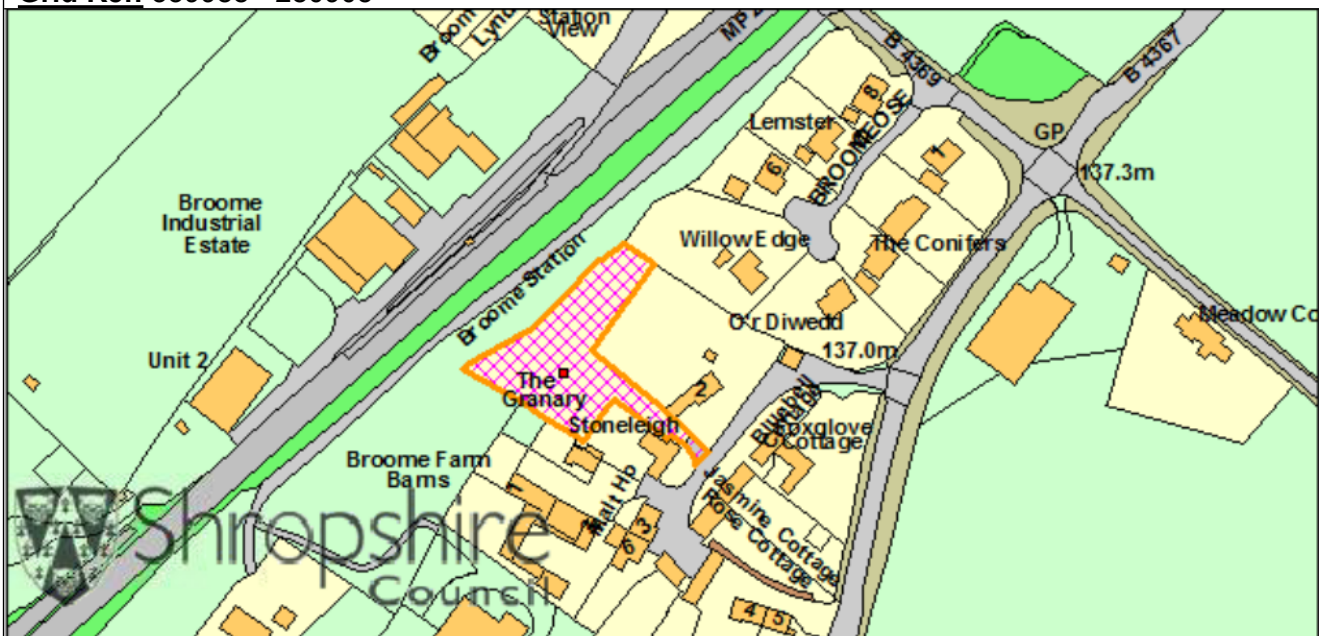
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 17/04466/REM	<b>Parish:</b>	Hopesay
<b>Proposal:</b> Approval of reserved matters (access, layout, scale, appearance and landscaping) pursuant to 13/04702/OUT erection of single-storey dwelling (outline application with all matters reserved)		
<b>Site Address:</b> Proposed Dwelling West Of Blacksmiths Cottage Broome Shropshire		
<b>Applicant:</b> Mr J Longthorpe		
<b>Case Officer:</b> Heather Bradley	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 339988 - 280905



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 Outline planning permission for a detached dwelling at this site was granted in November 2016 (13/04702/OUT). This application is the reserved matters scheme and seeks approval as to the access, appearance, landscaping, layout and scale.
- 1.2 The scheme submitted for approval is for a detached dwelling with accommodation in the roof space. During the process of this application the scheme has been amended to a 'T' shaped footprint proposed to provide a 4 bedroomed property, reducing the footprint from 104.7sqm to 89.9sqm. The dwelling is proposed to be constructed on a brick plinth with timber clad walling under a slate tiled roof.
- 1.3 Alongside the dwelling the application includes a detached single garage, to measure approximately 6.3m deep by around 3.3m wide. Amended plans have reduced the height of the proposed garage by 1m to a ridge of approximately 3.8m. The garage like the dwelling is proposed to be constructed of timber cladding under a slate tiled roof.

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

- 2.1 The application site forms part of the domestic curtilage for Blacksmiths Cottage, a grade II listed building located amongst a group of dwellings off a private drive to the west of the B4367 which runs along the southern edge of Broome. The main core of the Broome settlement sits to the north of the site split from the application site and group of dwellings by the railway line.
- 2.2 There is an existing vehicular access to the plot between Blacksmiths Cottage and Stoneleigh. The application site sits directly behind this neighbouring property. A residential property known as 'The Granary' and part of the boundary to a site at the rear of Broome Farm Barns which has full planning permission for four residential dwellings (17/00782/FUL, granted August 2017) runs along the west of the site.
- 2.3 At the corner of the site in the north west corner, is a Black Poplar tree which is the subject of a Tree Preservation Order.

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

- 3.1 The Parish Council has provided views contrary to the Officers recommendation. This has been discussed with the Local Member and Chair and Vice Chair of the South Planning Committee whom judge that the balance of material planning considerations warrants Committee determination in this case.

## 4.0 Community Representations

### 4.1 Consultee Comments

- 4.1.1 Hopesay Parish Council: Response to Amended Plans - 14<sup>th</sup> December 2017: Parish Council objects to this re-consultation application as it can see no changes in the documents that would cause Council to reconsider its earlier reasons for objection, as previously submitted.

Hopesay Parish Council: Response to original plans – 30<sup>th</sup> October 2017: Parish Council objects to the application on grounds of the size of the proposed dwelling. The drawings show a large 2 storied detached dwelling. The parish does not need more large houses and the Parish Council is consistently opposing applications for large houses. Council's preference is for smaller dwellings, ideally affordable.

4.1.2 SUDS: Comments:

- Percolation tests and soakways should be design in accordance with BRE 365.
- The swale is shown to be in an area of pluvial flooding and details of mitigation measures to ensure the swale does not fill from external sources or that pluvial flooding is not re-routed to the adjacent property.

4.1.3 SC Conservation: Response to amended plans – 09<sup>th</sup> November 2017: No objection:

- Amended plans are an improvement and previous objections are withdrawn, subject to conditions regarding facing materials.

SC Conservation: Original comments – 12<sup>th</sup> October 2017: Objection:

- Recommend amendments to reduce the form. The building should be more of an ancillary outbuilding, in the form of a basic 'L' shape. Amendments to fenestration design recommended as is the introduction of a brick or stone plinth.

4.1.4 SC Trees: No objection to the layout and scale of the development.

- Note the stated intention to follow the Tree Protection Plan as set out in the DGL Ltd tree report (Ref. C069-01) and the Tree Protection Plan (Ref. C069-002) as secured by condition 6 of the outline planning permission, and submitted and approved under a separate application to discharge this condition (17/04477/DIS).

-

4.1.5 SC Ecology: No comment.

4.1.6 SC Highways: No objection.

- Consideration should be given to those who require access to the front doors, letterboxes and deliveries in general.
- Installation of gate-side post and paper boxes should be considered as should the length of the driveway and gravel/stone driveways.
- The garage should have a side door for reasons of escape/fire safety.

## 4.2 Public Comments

4.2.1 This application has been advertised for 21 days via site notice (expired 03<sup>rd</sup> November 2017) and Press Notice (expired 31<sup>st</sup> October 2017) and directly in writing to 13 neighbouring properties (expired 25<sup>th</sup> October 2017).

1 objection has been received:

- Strongly object to the position of the garage.
- There will be loss of sunlight and shadowing in the garden.
- The hedges planted by the application either side of the garden are already at a ridiculous height causing lack of sunlight, the garage would make the matter worse.
- The garage could be located elsewhere on the site.
- What is the plan regarding unloading of building materials – do not wish to find residents can't use the private road due to lorries unloading and blocking the way.

4.2.2 1 comment received:

- Whilst no objection is raised, the position of the garage could be looked at with regard to the effect on the adjoining properties.
- As the owner of the lane from which access is to be gained would request permission is subject to a clause that the applicant be responsible for any repairs as a result of damage by builders, lorries and machinery.
- Request residents whose properties use this lane be given advance notice of dates and times when machinery or lorries may block access to the properties.

## 5.0 THE MAIN ISSUES

Principle of development  
Scale, appearance and layout  
Visual amenity and Landscaping  
Setting of listed building  
Highway Safety  
Residential Amenity  
Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of the erection a detached dwelling on this land has been accepted by the grant of outline planning permission 13/04702/OUT. As such the principle of the proposed development cannot be re-visited in the consideration of the access, appearance, landscaping and layout reserved matters contained in the present application.

## **6.2 Scale, appearance and layout**

### **6.2.1 *Paragraph 60 of the NPPF states that:***

'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'

6.2.2 Core Strategy Policy CS6 and SAMDev Policy MD2 reflect this national guidance, requiring all development to reinforce local distinctiveness in terms of building heights and lines, scale, density, plot sizes, materials and architectural detailing.

6.2.3 This reserved matters application seeks permission for a one and half storey dwelling and it is noted that the outline application referred to a single storey dwelling. However there is no planning condition on the outline permission stipulating that the dwelling should be single storey only. In terms of scale the scheme is considered to sit comfortably within its plot, providing generous amenity space. The settlement of Broome is made up of dwellings varying in scale, design and materials. In the immediate environs there are both two storey and single storey dwellings, constructed in a range of materials from brick and stone to timber framing. The materials chosen reflect the local vernacular and the proposed design of the dwelling is such to mimic a converted agricultural building. When considering the scale, appearance and layout in the planning balance it is judged that the one and half storey nature is not out of character with the site or surroundings and the overall design would contribute towards preserving the local distinctiveness of the settlement.

## **6.3 Visual impact, landscaping and setting of listed building**

6.3.1 Policies CS17 and MD12, alongside CS6 and MD2 support NPPF guidance at part 12, and seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.3.2 The scheme due to its location would be read as part of the village as a whole rather than an isolated feature and the dwelling and garage proposed would not erode the generally open character or scenic quality of the wider landscape.

6.3.3 The application site forms part of the curtilage of Blacksmiths Cottage which is a grade II listed timber cruck framed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPA's should 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. This is reflected at local plan level via policies CS17 and MD13.

6.3.4 To mitigate the impact of any development it is important that the design, scale and form of the proposal appear ancillary to the listed building. The scheme as originally submitted proposed a double gabled unit to which the Conservation Officer judged would result in a dwelling which has no ancillary form and competes with the listed building to the detriment of its setting. These objections were discussed with the

applicants' agent whom amended the scheme to alter the form of the development to a 'T' shape through removing one of the projecting gables and lean to structure to the north east facing elevation. The amended scheme also includes alterations to the fenestration design to reduce the amount and design of the glazing and introduces a brick plinth.

- 6.3.5 The Councils Conservation Officer has reviewed the amended scheme and is content that the footprint of the proposal now resembles a more traditional 'L' shaped plan form. This simpler form and reduced scale of the proposed dwelling assists with the creation of an ancillary structure. This combined with the use of local vernacular materials result in a scheme which would preserve the setting of the listed building.

#### **6.4 Access, Highway Safety**

- 6.4.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'

- 6.4.2 Access to the dwelling is off a private drive which junctions with the B4367. It is proposed to use the existing access between two dwellings, known as 'Blacksmiths Cottage' and 'Stoneleigh'. The Councils highways team have considered the proposal and raise no objections, content that the proposed scheme would not unduly harm highway safety or adversely compromise the highway conditions of the local network.
- 6.4.3 The matters raised regarding positioning of a post box or the impact of the length of the driveway on the convenience of occupiers of the property or for those making deliveries are not material planning considerations and not matters which could justify refusal of this reserved matters application. Further the site is within rural South Shropshire where the presence of long access drives to properties is not untypical.
- 6.4.4 The Highway Teams comments regarding the need for a side door in the garage for fire safety reasons is acknowledged. However this matter is not one which would impact on the safe use of the highway and ensuring adequate fire escapes are present in a new development would be a factor considered during building regulations stage.
- 6.4.5 The owner of the shared access drive has requested that a planning condition be used to require the applicant/development to fund any repairs to the drive as a result of damage caused during the development. The condition of this drive is essentially a private matter and the issue of who funds any repairs would need to be resolved between the third parties. (As is the request that neighbours are given advanced warning of deliveries during construction).



## **6.5 Residential Amenity**

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.5.2 The proposed dwelling would be around 15m from the boundary with the neighbouring property directly in front of the site known as Stoneleigh. At such distance even at one and half storey level, it is judged that the dwelling would not result in a significant loss of light or privacy or result in an overbearing impact on the residential amenity of this neighbour. The detached garage is proposed to sit alongside the boundary between the dwelling and this neighbour, whom has raised objections to the position of the garage concerned that it would result in loss of light. The siting of the dwelling and its garage are constrained by the location of the TPO tree in the north west corner of the site and the proposed location of the sealed cesspit to the north east. Amended plans have reduced the overall height of the garage by around 1m and it is noted that it is sited to the north of the neighbour. As such it is judged that the garage would not result in a significant loss of light to harm neighbour amenity. The height of the boundary hedging is not a material planning consideration and is a matter controlled through High Hedge Legislation.
- 6.5.3 The existing dwelling to the west, known as 'The Granary' is set forward of the proposed dwelling and thus no direct overlooking would occur. In addition with a separation distance between the dwelling, single storey garage and the boundary of this neighbour the residential amenity of the occupiers of this dwelling would not be unduly harmed.

## **6.6 Drainage**

- 6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The comments of the Councils Drainage team regarding the design of the surface water scheme are noted, and have been passed onto the applicants agent to consider during the design stages of the drainage scheme. The details of which are required to be submitted for approval to meet condition 5 attached to the outline planning permission.

## **7.0 CONCLUSION**

- 7.1 The principle of the development of this site for a single detached dwelling has been accepted through the granting of outline planning permission.
- 7.2 The scale, layout and appearance of the dwelling and garage as amended would not adversely harm the character of the site or settlement and the setting of the grade II listed building would be preserved.
- 7.3 The proposal can be carried out without severe harm to highway safety, and the impact on residential amenity would be negligible.

7.4 The scheme as amended is considered to comply with the main objectives of the relevant development plan policy and it is recommended that reserved matters permission is granted subject to conditions.

## 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:  
National Planning Policy Framework  
National Planning Practice Guidance

Core Strategy:  
CS1 - Strategic Approach  
CS4 - Community Hubs and Community Clusters  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S7 - Craven Arms

SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

17/04477/DIS Discharge of Conditions 5 (Drainage) and 6 (Tree Protection Plan) attached to Planning Permission 13/04702/OUT DISPAR 6th November 2017

13/04702/OUT Erection of single-storey dwelling (outline application with all matters reserved)  
GRANT 28th November 2016

11. Additional Information

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr. Lee Chapman and Cllr David Evans
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved amended 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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

2. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

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

3. The detached outbuilding included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit, and shall not be used for commercial or business purposes.

Reason: In order to safeguard the residential amenities of the area and in order to prevent the establishment of an additional dwelling in on the site.

### Informatives

1. In determining this planning application the Local Planning Authority took into account the following policies:

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

Shropshire Council Core Strategy Development Plan Document  
CS1 Strategic Approach  
CS4 Community Hubs and Community Clusters  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

Site Management and Allocations of Development (SAMDev) Plan

MD1 Scale and Distribution of Development;

MD2 Sustainable Design

MD3 Managing Housing Development

MD12 Natural Environment

MD13 Historic Environment

Settlement Policies

S7 Craven Arms

2. In arriving at this decision Shropshire 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.

-



Committee and date  
 South Planning Committee  
 13 March 2018

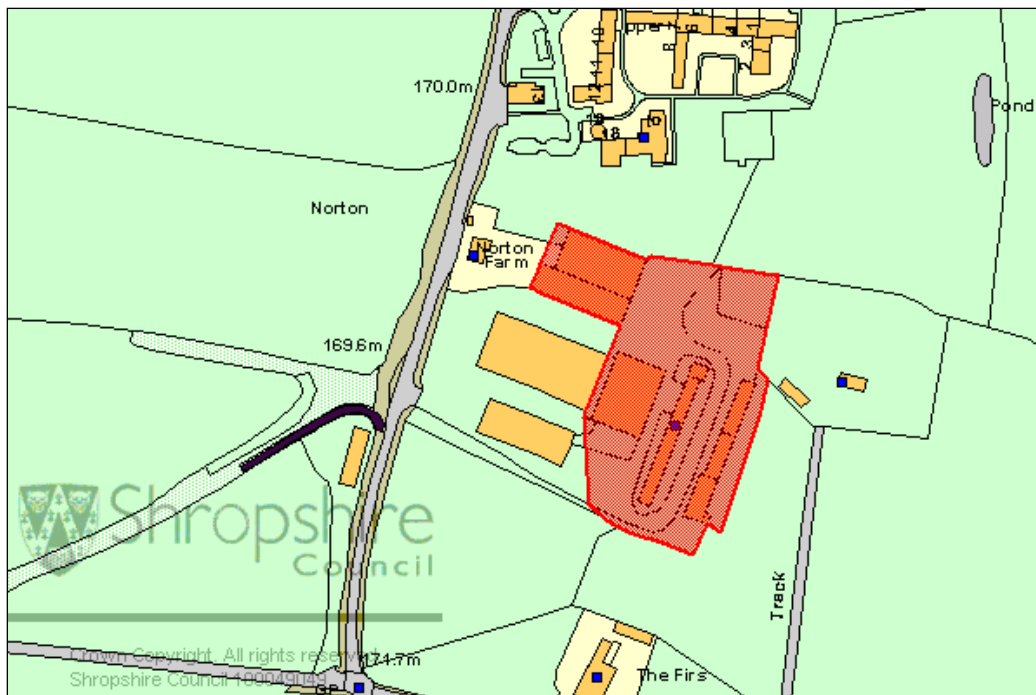
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 17/04988/FUL	<b>Parish:</b>	Culmington
<b>Proposal:</b> Conversion of farm buildings to ten holiday units and associated parking and landscaping		
<b>Site Address:</b> Barns South Of Norton Farm Norton Craven Arms Shropshire		
<b>Applicant:</b> HPB Management Limited		
<b>Case Officer:</b> Vincent Maher	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 346054 - 281557



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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 is for the conversion of two barns (including part demolition of one barn) associated with a holiday let complex in the hamlet of Norton. The proposed units would range from 40 sqm to 127.75 sqm in floor area.
- 1.2 The site has a number of recent permissions including one approved by the South Planning Committee in June 2013 for the conversion of one existing barn into 10 holiday units; conversion of an existing grain store to a clubhouse/ games room/ store; and conversion of an existing modern farm building into a swimming pool (reference 12/05241/FUL). This has not been implemented and the planning permission has lapsed.

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

- 2.1 The site is located in open countryside in Norton some 3.5km southeast of Craven Arms on a narrow lane running north from Onibury and eventually meeting the B4368 at Greenway Cross. It is just outside the Shropshire Hills Area of Outstanding Natural Beauty.
- 2.2 The site is home to a large complex comprising a former farmhouse and barns now converted into holiday lets, a clubhouse and associated offices which are managed by the Holiday Property Bond (HPB). Another dwelling to the southwest has recently been converted into two further letting units, and the current application relates to certain of the farm buildings behind this.
- 2.3 Two unrelated residential properties lie to the south and east, the latter itself a converted barn.

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

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination at the request of the committee chairman, due to the material planning considerations raised.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 Consultee comments
  - 4.1.1 **Shropshire Fire and Rescue Service – comment:**

Advise on need to have regard to Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications. Open plan layout of flats not appropriate and poses a significant risk to the occupants in case of fire.

Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.

Fire Authority advise on need for means of escape arrangements including a separate fire protected means of escape from all bedrooms that do not pass



through an area of higher risk i.e. Kitchen/Diner. Advice available on [www.shropshirefire.gov.uk](http://www.shropshirefire.gov.uk).

4.1.2 **SC Highways– no objection** subject to the development being carried out in accordance with the approved plans and informatives covering works affecting public highway. It is considered that it is unlikely that the conversion of these barns into ten holiday lets here, will significantly adversely affect highway safety or local conditions.

4.1.3 **SC SUDS: comment**

The proposed surface and foul water drainage arrangements are acceptable in principle but no drainage plan has been provided. This should be submitted for approval.

4.1.4 **SC Archaeology – comment:**

The site lies adjacent to the known route of a Roman road (PRN 02613) and close to a possible burial site (PRN 03198) where a number of human skeletons were unearthed. The latter is locally supposed to be a Roman cemetery, but is more likely to be connected with the Battle of Stokesay 1645 (it may also be connected to a former chapel some 50 metres south of Upper Norton Farm (PRN 03541)). The site therefore has some archaeological potential, and as such a programme of archaeological work should be required by condition. Recommends photographic survey too.

4.1.5 **SC Historic Environment: objection**

No objection to conversion of barns. However, officer is concerned with proposed partial demolition of Barn 2. Acknowledges that principle of partial demolition was accepted under the 2013 approval (12/05241/FUL). However, greater weight should now be afforded to non-designated heritage assets with the adoption of SAMDev in late 2015. Not clear in proposal why demolition is necessary, as existing condition of the fabric (demonstrated in the submitted photos within the Design and Access Statement) shows it is generally sound, where it could easily be used as an ancillary storage areas for bins and other domestic paraphernalia etc.

4.1.6 **SC Rights of Way – comment:**

Public Bridleway 27 passes through the site but would appear to be unaffected by the proposals. There should, however, be no obstruction, diversion, realignment, resurfacing or other alteration of this right of way without the prior written agreement of the Countryside Access Team.

4.1.7 **SC Ecologist – no objection**

Has reviewed bat surveys submitted which identify a maternity roost of common pipistrelle bats, a day roost of a common pipistrelle bat, a maternity roost of brown long eared bats, and a night roost of lesser horseshoe bats. In light of this and the protection given to these European protected species, the ecologist has drafted a European Protected Species '3 tests' matrix and directs the planning officer to complete this when the application is determined. **(This is attached at Appendix 2 to this report).**

Has reviewed great crested newt studies. Seven nearby ponds have a low habitat suitability score. No need to do any further survey work. Has recommended conditions, requiring the developer to: obtain a European Protected Species mitigation licence; developing the site in accordance with the method statement for both barns; have an ecological clerk of works on site; provide bird boxes; submit a lighting plan.

Has also recommended informatives.

**Culmington Parish Council – no objection**

- 4.1.8 Require a condition that lighting is low and light and noise pollution kept to a minimum.

Councillors concerned at scale of site with the application for a further ten units following a recent application for three particularly in relation to the inevitable considerable increase in traffic along a narrow country lane which already suffers with problems when the roadside drain cannot cope with run off from the fields or blocks.

Councillors believe that at some point it was agreed to create additional passing places along the lane and consider, if not already included, essential that more passing places be created in both directions to Onibury and Greenways Cross. Drainage issues should also be addressed to improve conditions for everyone concerned.

- 4.1.9 **SC Affordable Housing - comment**

Holiday lets are exempt from the need to contribute to affordable housing.

**4.2 Public comments**

- 4.2.1 One objection received raising the following comments.

Rural area - HPB (Holiday Property Bond) already have 21 established units and another 3 which have recently been granted. A further 10 units will overdominate area and cause more light pollution from nearby lanes which look down onto the site especially from the Bache to the east. The size of HPB is creating a new village within the countryside and there will be an increase in noise to the local community. If granted, the site will be greater than some housing estates.

Similar accommodation exists at the nearby Upper Onibury Farm and therefore this additional accommodation is overdevelopment of the area and the site can no longer be considered as small scale.

Area known for great crested newts and this has been noted on previous applications, in addition these barns are probably home to bats and no Ecology survey has been submitted.

Lanes are classified C roads and of single width, previously approved applications required passing places to be installed and I would appreciate confirmation that these have all been implemented. Further increase in traffic (esp on change over days) on these narrow lanes will cause further issues both traffic and ecology due to the verges being eroded due to not enough passing places and people unable to reverse. Application has only included a brief summary on the increase in traffic including there would only be 2-3 movements a day, however if the local facilities

were used these journeys and traffic movement would be significantly more. This should be factored in to supporting documents.

#### 4.2.2 **Cllr Motley: comments made in a personal capacity**

No objection to conversion of two derelict barn ranges to holiday lets. Hopes it will be converted to same high quality as the original range of barns approved in 2005. However, new application represents a further increase in the number of holiday lets by at least a third. This will become a complex of considerable size in a very rural agricultural area. Important that it not be overbearing on surrounding landscape. Landscaping, particularly to the east of the site, and lighting will be extremely important as will visibility of parked cars from the east. Needs screening to southern side to protect amenity too. Notes proposed use of low voltage lighting but proposals will need a lighting condition.

Plans do not take into account bridleway running through the site.

Estimates of vehicle use inadequate. Often visitors will come to the site in more than one car, which means traffic movements likely to be considerably higher than the applicant's prediction. The lane from the B4368/A49 to the site is narrow with too few passing places and is heavily used by farm vehicles as well as vehicles using the route as a cut-through to Onibury. More passing places will be needed to minimise disruption on the lane.

Parish has identified a problem with field run off and periodic blocked drains. Semi permeable surface for car parking areas and new sewage plant will have to be very carefully considered.

## 5.0 THE MAIN ISSUES

- Principle of development
- Design and impact on historic environment
- Landscape impact
- Impact on residential amenity
- Highway safety and public rights of way
- Drainage
- Ecology
- Other matters raised in representations

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of the barn conversion on this site and creation of 10 additional holiday let homes has been approved with a 2013 planning permission. Nonetheless, it is necessary to reconsider the proposal in the light of the SAMDev Plan which was adopted after this last grant of planning permission and other material considerations raised during the consultation on this planning application.

6.1.2 Core Strategy Policy CS16 allows for the provision of visitor accommodation in rural areas of an appropriate scale and character for the surroundings, and close to or within settlements or an established and viable enterprise where accommodation is required. It also favours the reuse of existing buildings where this would accord with Policy CS5, i.e. where the conversion would make a positive contribution to the character of the buildings and surrounding countryside: This is reinforced by

SAMDev Plan Policy MD11. Meanwhile CS Policy CS 13 recognises the importance of providing for small-scale economic development, including farm diversification and leisure schemes in the countryside away from settlements. The NPPF (paragraph 28) seeks to promote all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings.

6.1.3 This site does not adjoin a settlement of any size but is reasonably close to Craven Arms where a full range of services, facilities and visitor attractions is available. Perhaps more significantly it is immediately adjacent to the established and seemingly successful Holiday Property Bond complex. The proposal might indirectly benefit Craven Arms too.

6.1.4 There is a presumption against new open market in the countryside outside of community hubs and clusters. It is therefore recommended that conditions are imposed to restrict permanent housing.

## **6.2 Design and impact on historic environment**

6.2.1 Core Strategy Policy CS6 requires all development to be of an appropriate scale and design taking into account the local context and character, whilst Part 12 of the NPPF states that Local Planning Authorities should have regard to the desirability of sustaining and enhancing the significance of heritage assets. In this case the site is not within a conservation area and the barns are not listed. However, they are of local significance in terms of the historic evolution of the farmstead and consequently landscape character, and so are regarded as non-designated heritage assets.

6.2.2 SAMDev Plan Policy MD13 raises a new consideration about the partial demolition of Barn 2. Proposals likely to have an adverse effect on the significance of a non-designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. Officers note the objection from the conservation officer to the part demolition of Barn 2 but assess that withholding permission for the partial demolition would not be justified on its own given that most of the barn will be retained and, moreover, Barn 1 would be brought back into productive use. In recognition of the historic building and the advice of the Council's archaeologist, conditions are proposed requiring the recording of the buildings before conversion and a written scheme of archaeological investigation

6.2.3 The indicative design of the scheme (fenestration and choice of materials) demonstrate that this would be a sensitive conversion consistent with Core Strategy Policy CS6 and SAMDev Plan Policy MD2. Appropriate conditions are proposed to control these elements of the application.

## **6.3 Landscape impact**

6.3.1 The conversion of two buildings will have a limited impact on landscape character given their established positions within the farm complex but it is accepted that it is necessary to control lighting to minimise light spillage and impose a landscape condition both to avoid an overly formal, domestic character, as well as to

safeguard the amenities of neighbouring residents.

#### **6.4 Impact on residential amenity**

6.4.1 The development would introduce new windows facing south and east towards the neighbouring dwellings. However, the additional openings would afford no greater view of the adjacent properties than those included in the scheme approved previously, whilst the landscaping condition would serve to mitigate both overlooking and noise from the patio.

#### **6.5 Highway safety and public rights of way**

6.5.1 The Council's highway adviser has not objected to the proposal. In comments on the previous scheme (12/05241/FUL), the highways adviser noted that there are several stretches where the highway verge is wide enough to accommodate a passing place. Officers have also taken account of comments from the parish and one local objector and also therefore think it reasonable and necessary to require the developer to fund new passing places. The previous scheme had a Grampian condition to this effect and officers have re-imposed this condition in this recommendation.

6.5.2 The proposal will not affect the public right of way which crosses the site.

#### **6.6 Drainage**

6.6.1 The drainage officer has reviewed the technical information submitted (water management study, percolation test) and not objected to the proposal subject to a condition controlling drainage disposal.

#### **6.7 Ecology**

6.7.1 The applicant has submitted updated bat and great crested newt surveys which are European Protected Species. This shows the presence of bats. A European Protected Species matrix has therefore been completed to assess whether it is in the public interest to develop the site. The conclusion of the matrix is that the development is in the public interest and there is no satisfactory alternative and the scheme should be promoted subject to the planning conditions recommended by the Council's ecologist.

6.7.2 The surveys submitted with the application also show the site to provide a habitat for nesting birds and hedgehogs. It is accepted that the site is of some ecological interest and the ecologist's recommended conditions and informatives have also been imposed consistent with SAMDev Policy MD12, Core Strategy Policy CS17 and the NPPF.

#### **6.8 Other matters raised in representations**

6.8.1 The Shropshire Fire and Rescue Service has raised concerns about the internal layout of the units and escape arrangements. This is a matter to be addressed separately to the planning permission process through the changes to the internal layouts of units. Any change to the external appearance would need a fresh planning application or a submission to make non-material amendments.

6.8.2 Officers have reviewed an objection to the development being of the scale of a village. This proposal is for holiday let accommodation and not open market

housing. Conditions have been imposed restricting this use.

## **7.0 CONCLUSION**

7.1 The principle of these barn conversions has been accepted in the recent past. This scheme is more modest than the previously approved proposals. It represents the expansion of an existing rural tourist enterprise through the conversion of redundant agricultural buildings is considered acceptable. The design is reasonably sympathetic and the development is unlikely to have so significant an impact on residential amenity or on local highway conditions subject to appropriate planning conditions. It is possible that bat roosts might be disturbed but the scheme meets the three tests set out in the European Protected Species matrix.

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

### **8.1 Risk management**

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

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

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

### **8.2 Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.  
Equalities

### **8.3**

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

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 There are likely financial implications 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.

## **10.0 BACKGROUND**

### **Relevant Planning Policies:**

Central Government Guidance:

National Planning Policy Framework:

Shropshire Local Development Framework Adopted Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS7: Communications and Transport

CS11: Type and Affordability of Housing

CS13: Economic Development, Enterprise and Employment

CS16: Tourism, Culture and Leisure

CS17: Environmental Networks

CS18: Sustainable Water Management

SAMDev Plan

Policy MD2 Sustainable Design

Policy MD11 Tourism Facilities and Visitor Accommodation

Policy MD12 Natural Environment

Policy MD13 Historic Environment

### **Relevant Planning History:**

SS/1/4532/P/ – Erection of general purpose agricultural building (permitted June 1994)

SS/1/5776/P/ – Formation of new vehicular access (permitted July 1995)

SS/1/7814/K/ – Erection of grain store (permitted May 1997)

SS/1/00/11316/F – Conversion of farm buildings into two dwellings (refused July 2001; appeal dismissed December 2001)

SS/1/04/16554/F – Conversion of agricultural dwelling and buildings into holiday complex comprising 22 holiday cottages with clubhouse and indoor swimming pool; alterations to existing vehicular and pedestrian access (refused April 2005)

SS/1/05/17256/F – Conversion of agricultural buildings to holiday accommodation comprising 19 holiday cottages, clubhouse and one additional dwelling (permitted September 2005)

SS/1/05/17416/F – Conversion of rural buildings to provide six holiday let units (withdrawn February 2006)

SS/1/06/17898/F – Conversion of farm buildings into six holiday cottages; alterations to vehicular and pedestrian access (refused March 2006)

SS/1/06/18171/F – Conversion of rural buildings to provide managers accommodation and five holiday letting units (refused October 2006; appeal allowed April 2007; partially implemented)

SS/1/08/20432/F – Conversion of agricultural buildings into two dwellings and installation of septic tank (withdrawn April 2008)

11/01238/FUL – Conversion of dwelling into two self-contained holiday lets, to include extensions and alterations and formation of new vehicular access (permitted May 2011)

12/05241/FUL - Conversion and extension of redundant agricultural buildings into ten holiday accommodation units, clubhouse/store and swimming pool; erection of building to house biomass boiler; installation of sewage treatment plant; provision of vehicular access and parking/turning areas (permitted June 2013)

## 11.0 ADDITIONAL INFORMATION

**List of Background Papers:**

Application documents available to view on Council website

**Cabinet Member (Portfolio Holder):**

Cllr R Macey

**Local Member:**

Cllr Cecilia Motley

**Appendices:**

Appendix 1 – Conditions and informatives

Appendix 2 – European Protected Species ‘3 tests’ matrix



## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **STANDARD CONDITIONS**

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 in strict accordance with the approved plans and drawings. All conversion, development and biodiversity enhancements shall occur strictly in accordance with Appendix 2 of the Bat And Amphibian Method Statement For Barns 1 And 2 (AMPA Associates, January 2018).

Reason: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved plans and details and to protect bats, which are European Protected Species.

### **CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES**

3. Notwithstanding the submitted plans the windows and doors of the development hereby permitted shall be constructed/framed in timber. No windows, roof lights, doors or other external joinery/fenestration shall be installed until full joinery/product details, to include details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and reflects the vernacular tradition, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

4. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed photographic survey of the buildings labelled 'Barn 1 and Barn 2' on the submitted site location and block plans. This shall be completed to Level 1 standards as defined in the Historic England's Understanding Historic Buildings: A guide to good recording practice, 2016.

Reason: To record the fabric of the heritage assets prior to conversion, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

5. No ground works associated with the development hereby permitted shall commence until the applicant/owner/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any evidence associated with known archaeological sites in the vicinity is recorded satisfactorily in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include:
- a survey of all existing trees and hedgerows on the land and details of any which are to be retained
  - measures for the protection of retained trees and hedgerows during the course of development
  - plans and schedules of proposed planting
  - plans and surfacing details of all driveways, paths, parking/turning areas and other hardstandings
  - plans and details of walls, fences or other means of enclosure/screening which shall be provided along the south and east boundaries of the site
  - timetables for implementation

The works shall be completed in accordance with the approved details and, in the case of fences, walls, hardstandings and other hard landscaping works, maintained thereafter in the absence of any further specific permission in writing from the Local Planning Authority. In the case of soft landscaping, any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development reflects the vernacular tradition, preserve the visual amenities of the open countryside and safeguard the residential amenities of the area, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. No development shall commence until a lighting plan has been submitted to the local planning authority in writing. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014). The development shall be completed in accordance with the approved details.

Reason: To safeguard the visual amenities of the open countryside and minimise disturbance to bats, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

8. No development shall take place until either:
- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or

- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species.

9. No development shall commence until a scheme for the provision of two formal vehicular passing places, one between the application site and Greenway Cross to the north and one between the application site and Onibury to the south, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully through an agreement under Section 278 of the Highways Act 1980 before the first occupation of the holiday accommodation hereby permitted.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

10. No development shall commence until a details detailed drainage proposal plan have been submitted to and approved in writing by the Local Planning Authority. The installation shall be completed in accordance with the approved details before the development is first used/occupied.

Reason: To ensure that the proposed surface and foul water drainage systems are fully detailed.

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

11. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for tawny owls.
  - A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific) and/or house martins (house martin nesting cups).

The boxes shall be sited at least 2m from the ground on a suitable structure at a northerly or shaded east/west aspect (under eaves of a building if possible) 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.

12. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in the Great Crested Newt Habitat Suitability Survey (Stefan Bodnar, January 2018).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species

13. Prior to the first use/occupation of the development hereby permitted surface water drainage systems shall be installed in accordance with the approved amended drainage plans listed below, unless first agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage, minimise the risk of pollution, and reduce the risk of causing or exacerbating flooding elsewhere, in accordance with Policies CS6 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy.

### **CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

14. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The lodges are permitted as they provide holiday accommodation.

15. A register shall be maintained of the names of occupiers of the units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the local planning authority.

Reason: General residential development in this location would be contrary to adopted local and national policy.

### **INFORMATIVES**

1. **NPPF** - In arriving at this decision Shropshire 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. **Ecology**

#### Nesting birds informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

#### Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

#### 3. **Fire Service advice**

Your attention is drawn to the advice of the Shropshire Fire and Rescue Service regarding this application. Their comments can be viewed on the Shropshire planning portal.

#### 4. **Highways advice**

##### No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

##### 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 new utility connection, or undertaking 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 and a list of approved contractors, as required.

## APPENDIX 2 – EUROPEAN PROTECTED SPECIES ‘3 TESTS’ MATRIX

### Application name and reference number:

17/04988/FUL

Norton Farm, Norton, Craven Arms

Conversion of farm buildings to ten holiday units and associated parking and landscaping

### Date of consideration of three tests:

28 February 2018

### Consideration of three tests carried out by:

Sophie Millburn, Ecologist  
Vincent Maher, Planner

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

The development involves the conversion of two redundant agricultural buildings to provide holiday accommodation in conjunction with the expansion of an existing tourism enterprise. This is of public benefit in that it would support the diversification and expansion of the local economy in accordance with the Government’s ambition for the planning system to help achieve sustainable development and economic growth in particular. It would also secure the retention and restoration of buildings which are of historic merit and contribute positively to landscape character.

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

If the applicant could demonstrate that the last use of the barns was agricultural, it may be possible to apply for prior approval for conversion to residential use and this might be able to proceed provided it did not cause an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitats Regulations (2010). Whilst those parts of the buildings where bat roosts have recently been discovered would need to be avoided, the completion of further works in the vicinity could result in the loss of foraging habitat and otherwise disrupt bat activity and there would be no obligation on the developer to provide the mitigation and enhancement measures which have been identified as part of the current planning application.

Alternatively, an option open to the applicant would be to leave the buildings unconverted, but this would be an inefficient use of an existing resource and downplays the role of economic and social progress in helping to achieve sustainable development as defined by the Government. Further deterioration of the buildings would also be likely, which could potentially reduce their value to roosting bats.

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

Bat survey work has been undertaken on this site in August-September 2010, July-August 2012 and June-July 2015. Survey work has identified a maternity roost of common pipistrelle bats, a day roost of a common pipistrelle bat, a maternity roost of brown long eared bats, and a night roost of lesser horseshoe bats in the two barns.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the barns are going to be converted.

Appendix 2 of the Bat And Amphibian Method Statement For Barns 1 And 2 (AMPA Associates, January 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- ‘The start of works must avoid the breeding season (May-August), and since these species may hibernate in barns, start of works on the barn should avoid the hibernation season (December-February).’
- An ecological clerk of works (ECW) will carry out a pre-commencement inspection.
- The ECW will provide a toolbox talk to site workers.
- The ECW ‘will supervise all works involving any works to existing brickwork or timbers, inside or outside the barns’ and ‘the hand removal of any roofing material’
- A stand-alone lesser horseshoe bat night roost will be created prior to the commencement of works.
- Large cavity wall boxes will be erected on the converted barns.
- ‘No exterior lights may be focused on the boundaries of the site or in the area of the bat loft, to ensure continued use by bats following the redevelopment of the site. Lighting must be minimal and downwardly directed to maintain the dark countryside habitat as much as possible. As far as possible, exterior lighting should also be motion activated on a short timer.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of common pipistrelles, brown long eared bats and lesser horseshoe bats at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Vincent Maher (dated 19th February 2018) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence; and
- Lighting plan.

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# Agenda Item 9



Committee and date  
 South Committee  
 13<sup>th</sup> March 2018

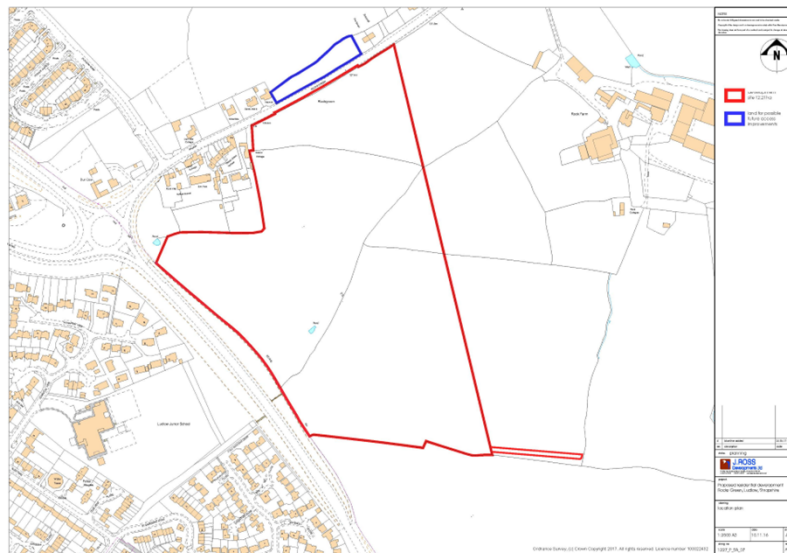
Item  
  
 Public

Development Management Report (Referral back to committee)

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

## Summary of Application

<b>Application Number:</b> 17/05189/FUL	<b>Parish:</b>	<b>Ludford</b>
<b>Proposal:</b> Hybrid application (part full, part outline) for residential development of up to 200 dwellings and associated infrastructure, drainage, open space, landscaping with access from the A4117 at Rocks Green (full application to involve 68 dwellings and outline application to involve up to a further 132 dwellings)		
<b>Site Address:</b> Proposed Residential Development Land to the South Of Rocks Green Ludlow		
<b>Applicant:</b> Pickstock Homes Ltd		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	



**Figure 1 - Location**

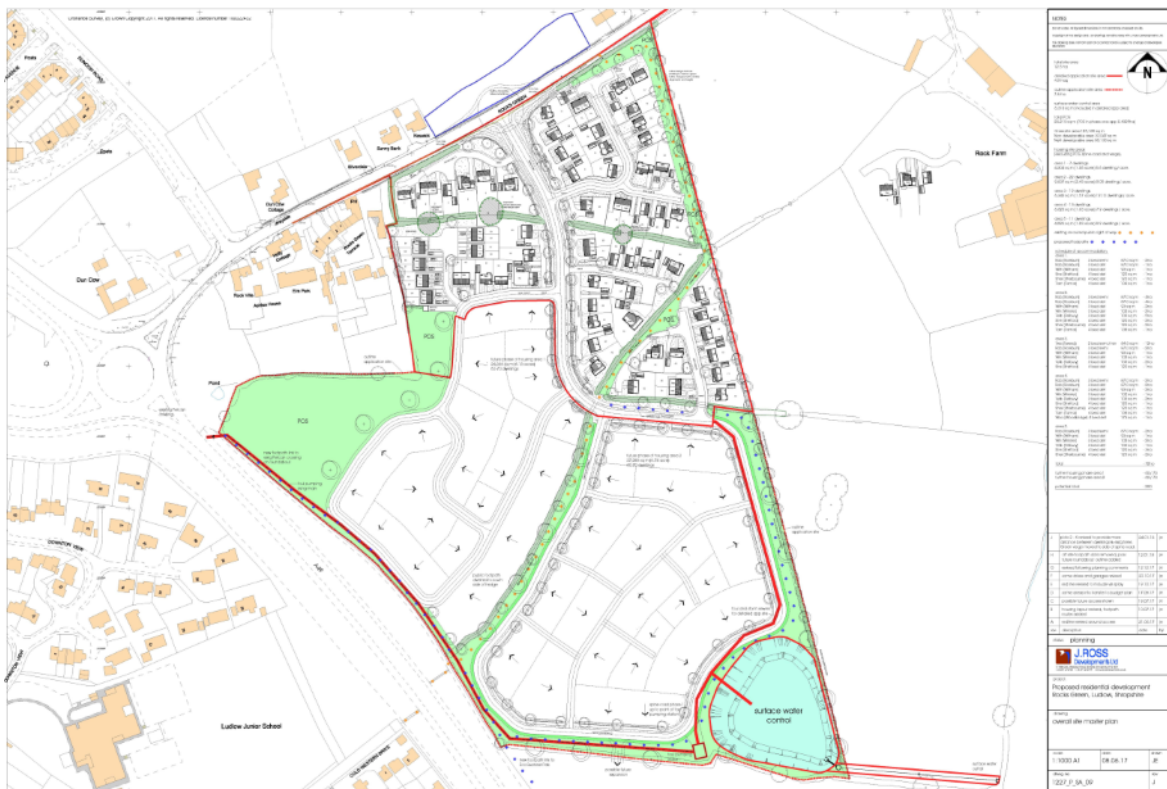
**Recommendation:- Grant Permission as a partial departure subject to the conditions set out in Appendix 1 (after expiry of the statutory period of notice for a departure) and subject to a Legal Agreement delivering 1) an affordable housing contribution, 2) safeguarding of land under the applicant’s control for future use as a roundabout, and 3) a financial contribution of £10,000 to facilitate re-location of the 40mph speed limit to the east of the site access.**

**REPORT**

**1.0 THE PROPOSAL**

1.1 The proposal is a hybrid planning application (part outline and part full) to develop allocated land at Rocks Green, Ludlow for residential development with associated access, infrastructure, landscaping and 0.43ha of public open space. Full planning consent is sought for the first 72 dwellings as the initial phase of the development with outline planning consent being sought for the remaining site. Phase 1 is broken down into 5 specific residential areas consisting of 2, 3 and 4 No. bedroom units. A further 2 outline phases would include 64 dwellings each, for which reserved matters details would be submitted at a future date.

1.2 Interlinked green infrastructure has been incorporated, retaining existing trees, hedgerows and field patterns and making provision for areas of public open space. The scheme presents a definitive edge to the countryside with a landscaped eastern boundary. A central tree lined spine road with grass verges links to the A4117 via a priority T-junction designed with swept paths for a large refuse vehicle which represents the largest vehicle that would require access on a regular basis. Space has also been set aside for a future roundabout upgrade if additional development occurs between Rocks Green and The Sheet, though this does not form part of the current application.



**Figure 2 – site layout**

- 1.3 The general height of the houses proposed residential areas is 2 storey with chimneys and the some dormer windows on particular plots to add interest and mark key frontages. The applicant states that some 2.5 storey dwellings may be delivered in Phase 2 where topography allows. The proposed net site-wide density will be between 15 to 35 dwellings per hectare, varying within the site and providing up to 200 dwellings. The applicant states this is consistent with the overall density and character in the surrounding areas and makes effective use of the land available. 15% of the dwellings will be affordable - 30 in total for the whole scheme (phases 1-3).
- 1.4 The street hierarchy includes the primary access road, secondary streets, shared surface lanes and private drives, all designed to accord with the Council's Design Guidance. A 3m wide shared cycle/footway is proposed along the site frontage. A sustainable urban drainage strategy would be employed, providing natural attenuation in the lowest areas of the site whilst also protecting and enhancing biodiversity.
- 1.5 Dwellings are designed with key frontages which provide enclosure and surveillance of public open spaces. Separation has also been provided from noise sources such as the A4117 and the A49. A mix of house types is proposed with housing ranging from 2 to 5 bedrooms. It is stated that the scale of the houses generally reflects those in the surrounding area and their style and placement seeks to introduce variety in the landscape. Small clusters of houses have generally been located away from sensitive edges and are designed to reflect traditional terrace arrangements.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site (area 12.5ha) is located to the north-east of the A49 and the south-east of the A4117 on land at Rocks Green, approximately 700m to the north-east of the town of Ludlow. The 'full' element of this hybrid application comprises an area of 4.85ha and is located nearest to the A4117 (see figure 2). The remaining outline element comprising 7.67ha forms the southern part of the application site. The site is allocated within the Site Allocations and Management of Development (SAMDev) for in the region of 200 houses as site LUD017 Rocks Green.
- 2.2 The site comprises four fields currently used as grazing pasture land. It is gently undulating with land falling away gently towards the south east. A small cluster of residential properties referred to as Rock Green Terrace and the Nelson Inn, are situated adjacent to the north-western boundary of the site, along with a few other residential properties and their curtilages. The majority of these are cottages or bungalows, ranging in style and age considerably. On the western boundary of the site is the A49 dual carriage way. To the west of this is the built-up area of Ludlow and Ludlow Junior School.
- 2.3 The A49 is heavily bounded on both sides by mature trees. There is a pedestrian crossing on the A49 adjacent to the site, south of the roundabout, which would enable linkages with the town. To the east of the site lies further agricultural land and farm buildings.
- 2.4 An existing footpath provides a link from south west to north east across the site and will be retained, encouraging east west linkages across the site and enabling access to

Ludlow Junior School. An extension of this to the north will require formal diversion. An additional footpath will link the site with the employment centre to the south.

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

3.1 The application has been referred to committee by the local Member. This has been agreed by the Area Planning Manager in consultation with the chairman on the basis that the application is a major development raising complex planning issues which it is appropriate for the committee to consider.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 Ludford Parish Council: No objection. The Clerk would confirm with the Highways Authority that they are fully aware of the traffic implications of both phase 1 and 2 of the Pickstock Homes development. All the Councillors approved the idea that a footbridge should be requested again and that a road traffic roundabout should be completed before the first phase of the works begins to alleviate traffic flow in and around the site. Ludford Parish Council request further information on the public open spaces and the balancing pond, specifically the maintenance of these sites following completion of the development. Who will become responsible? The Parish Council also discussed the possibility of additional affordable housing being offered, as the area has a shortfall.

4.1.2i. Highways England: No objection subject to conditions. Highways England responded to a pre-application scoping enquiry in May 2017 from the applicant's transport consultant Corun Associates. Highways England then received notification of a planning application 17/05189/FUL on 10 November 2017. The relevant supporting information, including a Transport Assessment (TA) prepared by Corun, was reviewed in November and a small number of outstanding issues were identified, as summarised below:

- We were not able to verify the growth factors provided within the TA based on the information provided. It was requested that Corun provide further details of the parameters selected within TEMPRO to derive the growth factors.
- The trip distribution methodology was not considered to be the most accurate method of distributing residential trips. It was requested that a sensitivity test be undertaken using Census 2011 Journey-to -Work data to distribute proposed development trips.
- It was requested that the ARCADY model traffic flow inputs for both A49/A4117 Roundabout and the A49/Sheet Road Roundabout needed to be updated with the correct HGV percentages for all turning movements.
- The position needed to be clarified with regard to the footpath works and whether they formed part of the application. This was important to establish whether works would be required on the SRN.
- It was also suggested that plans should be amended to include footpath links. If any works fell inside the SRN boundary these would need to be submitted to the Local Planning Authority along with a Road Safety Audit (RSA) and Walking, Cycling and Horse Riding Assessment and Review (WCHAR), in accordance with HD 19/15 and HD 42/17 respectively, for consideration by Highways England.

- On 24 November 2017 Highways England recommended that the application not be determined for a 3 month period in order to allow time for the applicant to provide the required information. Since that time Highways England has continued to engage with the applicant and the applicant's transport consultants in order to resolve the outstanding technical issues.
- ii. All outstanding items were discussed and provisionally agreed during a meeting between the applicant, Corun, Highways England, and our consultant's SYSTRA and Kier, on 11 January 2018. All requested information was confirmed by Corun in a Transport Note (13-00232JJC/TN03) dated 12 January 2018. The Note was reviewed by Highways England and the following conclusions made:
- Growth factors are acceptable.
  - The trip distribution methodology is acceptable as national travel survey statistics indicate that commuting trips represent a small proportion of trip purposes in peak hours.
  - The HGV proportions used in the junction capacity model are acceptable as junction calibration is not required.
  - Due to the difficulties in comparing queue lengths such as the snapshot maximum observed queue with ARCADY output mean queues, the queue length validation provided is acceptable.
- iii. As the application site masterplan would remove the provisional footway route to the pedestrian crossing on the A49, there is no longer a need for Highways England to consider works on their network at this time. However, our final formal response is based on the footpath connection to the SRN being withdrawn from the application. Any future works affecting the SRN, not covered in this application, will need to be designed in compliance with DMRB standards and will be subject to detailed design procedures, including Road Safety Audits and a Walking, Cycling and Horse Riding Assessment and Review (as per HD 19/15 and HD 42/17). No objections subject to the above, and formal submission of Corun's Transport Note as an addendum to the TA. A construction management plan condition is recommended.
- 4.1.3 Severn Trent Water: No objection subject to the inclusion conditions requiring prior approval of surface water and foul drainage details.
- 4.1.4ai. WSP – For Highway Authority (18/11/17): Holding objection. Although, the general principle of this prospective major development is considered to be acceptable, at this location, from a highway and transport perspective. The submitted details, supporting this planning application, have failed to adequately demonstrate the whole impact of the proposed wider development on the adjacent highway network. The proposed new infrastructure also appears lacking and is unlikely lead to sustainable development.
- ii. The proposed simple priority junction does not appear to be appropriate for the location and size of development proposed, especially as there will be further expansion of the site, in the future. It is considered that a 'ghost island' junction would more appropriate to serve the prospective wider development, but consideration could also be given to a roundabout junction as this would have the added advantage of creating some speed reduction on the A4117, which may provide additional benefits at this location.

- iii. It is noted that the proposed site access is proposed to be located immediately adjacent to the 40mph speed limit village gateway feature. Given the position of the additional speed-visor sign, it is expected that southwest bound traffic speeds are likely to be in excess of the posted limit (40mph) at the location of the proposed new access. In this situation, with the development introducing slow moving and turning vehicles on the A4117. It will be necessary for the developer to facilitate the movement of the speed limit to further away from the site access (northeast) to ensure that passing vehicles are traveling at the appropriate speed at the point of access. It is considered that a financial contribution of £10,000.00, sought via S106 agreement, would be an appropriate sum to enable the Council undertake the appropriate Traffic Regulation Order and associated works to introduce the changes to the speed limit and village gateway.
- iv. The layout of the currently proposed simple priority junction, does not adequately accommodate suitable HGV turning movements. In particular the left turn out of the site, towards A49 requires a vehicle to enter the opposing carriageway lane (into oncoming traffic). This is not considered acceptable given the status of this principal distributor route and the current background traffic movements. This junction proposal is also unable to facilitate simultaneous entry and exit for all vehicles likely to be using it. Especially with the likelihood of mixing on-going construction traffic with domestic vehicles (inc. refuse and delivery HGVs) serving the occupied dwellings. For a junction of this type on this at this location the junction radii of 10m should be constructed, as a minimum requirement. In order to ensure appropriate HGV turning movements on and off the adjacent higher status carriageway.
- v. The general indicative layout of the internal roads appears reasonable. However, a detailed assessment will be undertaken, when the developer submits full engineering drawings in order to pursue a S38 agreement and adoption of the infrastructure. In the meantime it is recommended that the developer considers the following:
- Use of swales to capture highway run-off within the proposed green verges, greenspaces rather than using traditional kerbs and gullies;
  - Shared surface (coloured asphalt) carriageways for all small cul-de-sacs serving less than 25 dwellings;
  - Using raised plateaus at junction and footway crossing points to manage internal traffic speeds and improve pedestrian movement;
  - Consider maximising pedestrian connectivity between internal roads and convenient linkages across/around open spaces etc., to existing roads and PROW routes, with surfacing improvements to encourage their use;
  - Provide off site pedestrian/cycle accessibility improvements to encourage sustainable movement.
  - Provide suitable upgrades to existing pedestrian/cycle crossing facilities (A49 & A4117) and/or introduce new more convenient facilities to improve road safety and sustainable movement associate with this development.
- vi. The following comments relate specifically to the Transport Assessment submitted to support this development proposal:

2.2 - Pedestrian infrastructure: Although, there is a network linking the site to Ludlow town, the 'crow fly' isochrones (fig. 2.1) only give an indication of potential distances. It is noted that there are some local amenities within reasonable walking distance but it is considered that the report misrepresents the closeness of some key destinations. For example if you walk 2km from the centre of the site you only get as far as The Bullring and the secondary school is actually a 2.5km walk away. Also, the pedestrian access to the nearest Junior School is not very direct unless you use the PROW network, which is potentially impassable or unattractive route during poor weather conditions. Further examination of the available PROW routes identified in the report should be undertaken to determine how practical / attractive these are for walking to school. Should improvements be required to assist with the potential use of these routes such works will need to be proposed and delivered by the development, subject to approval by Shropshire Council. Indeed the PROW that links the site to Parys Road has steep steps either side of the A49 with no crossing assistance for pedestrians, and is considered inappropriate for use by children.

2.3 - Cycling Infrastructure: All of Ludlow is not within 2km cycling distance – see comment re isochrones above. The report does not adequately address how cyclists will travel from the site to the town centre, in particular how they will cross the A49. Why are only footway links proposed to the Eco Park and to the existing Pelican Crossing on the A49 (from the western edge of the site). This should be upgraded to a Toucan Crossing, as a minimum.

2.4 - Public Transport: It is noted that the site is reasonably well located for the public transport by virtue of the fact that the existing network serves the residential development off Dun cow Road. However, the distance between some of the properties on the proposed development and the town service (722) will be more than 400m. I also suspect some are more than 400m from the Rocks Green stops which only a limited number of services operate from. The report also mentions "other" services on Henley Road but fails to assess their attractiveness in terms of walking distance. No attempt is made to investigate the potential for the service 722 (or other services) to be extended to serve the site in the same way as service 722 serves the residential development off Dun cow Road. The proposed shelters on Road Green would only benefit the users of those services that operate from these stops. I would like to see a more comprehensive assessment of the bus services that are available to the residents of this development, how they can access them (and how attractive this access is) and what potential there is for any extension / diversion of existing services.

2.4.1 - The charge for P&R is now believed to be £1.50.

2.4.12 - The reported journey distance from the site to the rail station of 1.3km is an underestimate, with the actual distance being more like 1.8km from the centre of the site.

2.5.11 - The east side of Ludlow includes one of the most deprived wards in the county and this will be part of the explanation for low car ownership, and may well affect the TA assumptions being made.

3.3 - Overall sustainability of location: The report overstates the sustainability of the location as it fails to recognise the reality of the actual journey distances to some amenities, the usability of many of the sustainable transport routes that it highlights as well as the physical and physiological significance of it being separated from the town by the A49 (T) bypass.

4.2 - Road Safety: It is noted that the RTA record for the area does not suggest any particular highway safety issues relating to current usage, but that is not to say that with such a significant development generating greater vehicle/pedestrian movements that this situation won't change.

5.2 – Proposed access: Consideration should be given to an alternative and more appropriate form of junction to serve the whole site and not just the phase being considered by this assessment.

5.4 - Travel Plan: This will need to be agreed and in place before the site is brought into beneficial use. The TP should include proposals and initiatives to promote sustainable travel as part of the sale process. (See previous comments on the submitted Interim Travel Plan - Oct 2016).

7.2 - Trip generation: The TRICS site parameters do not reflect the location (i.e. <100,000 population within 5 miles) and therefore trip rates used are likely to be on the low side for the location.

7.3 - Traffic distribution and assignment: The approach taken is considered to be adequate.

8.0 - Capacity Assessment: It is accepted that the TA demonstrates that all the junctions assessed will work within capacity in in the future given year (2028), given the trip rates/data used. However, given the comments above these capacities may change should more appropriate trip rates, more reflective of the location, are applied. Informatives are recommended.

- 4.1.4b. Highway Authority update (26/02/18) (Case officer note of communication with Highways Development Management officer): The applicant has submitted updated information to justify the area of land set aside for the roundabout which would cater for future access requirements in the event that there is further development between Rocks Green and the Sheet. This is addition to the current proposals which can be satisfactorily served by the proposed priority T-junction. The Highways Development Management officer has indicated that the area of land is sufficient to cater for any anticipated future levels of traffic. The land in question would be transferred to the ownership of the Highway Authority under a dedication agreement. The Highways Development Management officer has indicated on this basis that the holding objection by the Council's highway consultants can be withdrawn subject to highway conditions. Formal updated comments from the Highway Authority will be circulated in the late representations report.
- 4.1.5 Ecology: No objections subject to conditions including Environmental Management Plan and an Ecological Clerk of Works. Detailed comments will be circulated in the late representations report.
- 4.1.6 Drainage: No objection. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted. The proposed surface water drainage strategy in the FRA is acceptable in principle. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.



- 4.1.7 Learning & Skills: No objection. Shropshire Council Learning and Skills reports that whilst there is currently capacity at local schools the scale of the proposed development may impact on future schooling requirements in the area. Learning and Skills will continue to monitor the impact of this and future housing developments in the area. In the case of this development it is recommended that any requirements for increased capacity is met from contributions that are secured via CIL funding.
- 4.1.8i. Rights of Way: No objection. FP7 at its northern end will be affected by the development and will require a legal diversion under the terms of the Town and Country Planning Act. I understand from the Design & Access Strategy that the applicant is aware of the footpath running through the site but not in the correct position, as per the Definitive Map of Public Rights of Way. The Mapping and Enforcement Team can provide the necessary information and application form for this diversion order and suggest that it is applied for as a matter of priority. It is understood that the rerouted line of FP 7 and the creation of the new footpath link will continue to run along a naturally surfaced path. Should these paths be surfaced we would wish for them to formally adopted under section 38 of the Highways Act which would make them publically maintainable by the Highways Department and would be shown on their map as such.
- ii. We have concerns that an increased number of walkers (residents) will increase quite significantly along FP 23, onto the A49 when the development is completed. This means the road being accessed down a set of steps that we feel are not appropriate for this increased usage, especially for schoolchildren using the route to get to school and would wish for the applicant to consider this matter.
- iii. Please ensure that the applicant also adheres to the criteria below:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
  - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
  - Building materials, debris, etc must not be stored or deposited on the right of way.
  - There must be no reduction of the width of the right of way.
  - The alignment of the right of way must not be altered.
  - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
  - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep, the footpath open and available at all times then the applicant will have to apply for a temporary closure of this route and the applicant will need to apply to the Mapping and Enforcement Team for such a closure.

- 4.1.9ai. Conservation: Initial holding objection. It is noted that revised drawings have now been submitted (30/1/17). The previous submitted comments covered a number of historic environment concerns with this proposal that consist of the following (summary):
- Layout of site, including density of site and how the development responds to the existing field system and topography of the site;

- Design of layout, generic building types and proposed materials are not locally distinctive and pastiche;
  - Concern with coalescence with the existing heritage assets of Rocks Green, therefore adversely impacting the setting of those assets;
  - How the development responds to the existing adjacent cohesive cluster of non-designated heritage assets at Rocks Green.
- ii. The main amendment that is obvious on the revised masterplan is the principal entrance of the site in light of concerns given by SC Highways. However, no other significant amendments have been made to the proposal which is very disappointing. Key visuals would be helpful in order to demonstrate that key views and vistas would be maintained, as well as the overall setting of the site. There is also general concern that the site should be considered and planned as a whole in order to aid cohesiveness, where the hybrid approach is not encouraged.
- iii. Therefore previous objections established in the previously submitted comments, still stand, where it is considered that the proposal is considered contrary to paragraph 131 of the NPPF, the design guidance set out in the accompanying PPG as well as contrary to local policies CS6 and CS17 of the Core Strategy and MD2 and MD13 of SAMDev.
- 4.1.9bi. Conservation (02/03/18 – email communication): Objection withdrawn. These comments supplement those previously on 27/11/17 and 7/2/18 respectively. The previous comments summarised the outstanding issues with the proposal that included the layout of site, including density and how the development responds to the existing field system and topography of the site:
- Design of layout, generic building types and proposed materials are not locally distinctive and pastiche;
  - Concern with coalescence with the existing heritage assets of Rocks Green, therefore adversely impacting the setting of those assets;
  - How the development responds to the existing adjacent cohesive cluster of non-designated heritage assets at Rocks Green.

The revised plans (submitted to the Council on 22/2/18) are noted, along with the covering letter covering the relevant design rationale/considerations:

- Housing Site Plan;
  - Street Elevation; and
  - Site Sections.
- ii. The first issue to address are the proposed housing/building types. It is still felt that the proposal would have provided an opportunity to demonstrate high quality contemporary design, rather than harking back to the 'safer' traditional designs which is unfortunate. However, it is acknowledged that some effort has been made by the applicant to utilise local vernacular materials and features, where render would be introduced in order to offer some variation across the site. The street elevation plan demonstrates that there will be a variation of housing types to reflect the existing variation of Rocks Green. There is agreement that whilst there should be a harmonious relationship between the existing and new development, the distinction between new and old should be obvious and legible.

- iii. The second issue is that of coalescence with the existing settlement (hamlet) of Rocks Green. It is acknowledged that this was discussed and considered as part of the SAMDev examination process, where little reference was made with regards to coalescence, where the Inspector did not raise this as a major strategic issue. It is also noted in the Planning Committee Report for 15/04158/OUT (approved), with regards to the immediate gap with Nelson's Inn PH (non-designated heritage asset) and the fields behind, where it was considered that there is no intervisibility. However, it should be noted that SC Conservation had no input/comment to this outline planning application. The covering letter states that the intervisibility is 'tenuous' and 'no harm' to the setting of Nelson's Inn, including the other historic buildings adjacent, but at least it may be considered that there may be 'negligible harm'. Whilst there is no full concurrence with those views, those policy/planning precedents are acknowledged, where it is considered that there should be a clear and consistent strategic view with regards to this site.
- iv. The third issue is how the development responds to its immediate hinterland. The proposed revisions include the protection of existing field boundaries, mature trees and hedgerows, where these should form part of more formal open/public spaces, and not form part of domestic curtilages, where residents could remove trees and therefore damaging the setting of the site further with more domestic 'creep' and other associated domestic paraphernalia. Discussion has taken place with the developer with the importance of retaining such features such as along the eastern edge and the frontage, in order to retain rural character, ensuring that the development has an established character from the outset, as well as having an acceptable transition from the development to the rural hinterland beyond. This includes creating an acceptable 'gateway' from the eastern approach and thereby avoiding a harsh immediate transition from open fields/rural landscape to a hard urban landscape. It is acknowledged that the existing gateway along the A4117 into Ludlow is poor, not aided by the A49, where this proposal offers an opportunity to create a more formal gateway feature. Improvements within the site are noted on the Housing Site Plan with regards to creating a boulevard of trees in order to soften the development and aid the general approach in and out of the site.
- v. Whilst previous objections to this proposal are now withdrawn from a historic environment perspective, it should be acknowledged that there are still some deficiencies with this proposal, though it is recognised that there have been efforts to deal with the principal concerns previously raised, as set out in the covering 'design rationale' letter. Therefore, should this proposal be approved, robust landscaping conditions should be attached to any consent given, including material samples for the relevant building materials, as well as for the hard landscaping, paving etc.
- 4.1.10i. Archaeology: No objection subject to condition. The proposed development site lies partially over an area of earthwork ridge and furrow and enclosures west of Rock Farm (Shropshire Historic Environment Record [HER] PRN 04436). Digital aerial photography (GetMapping 2010) indicates that these earthworks in fact spread across the proposed development site. Immediately adjacent to the southern boundary of the site is a rectangular cropmark enclosure (Rockgreen 4) of probable Iron Age to Roman date (PRN 03099), and a cropmark linear feature (Rockgreen 2, PRN 03097). Excavations here in advance of the construction of the A49 Ludlow Bypass in 1975 recovered a small beaker assemblage from a hearth, indicating occupation in the Early Bronze Age, and

defined a further Romano British rectilinear ditched enclosure cropmark enclosure (Rockgreen 3). There are also a number of listed buildings and a Grade II Registered Park noted within 1km of the site boundary. For the above reasons the proposed development site is considered to hold moderate to high archaeological potential. The proposed development also has the potential to affect the settings of designated and non-designated heritage assets within the wider vicinity.

- ii. The applicant has commissioned an Archaeological Desk-based Assessment and a Geophysical Survey to accompany this application (Archaeological Wales, Report No 1514, November 2016). In terms of indirect impacts, the desk-based assessment considered that the settings of the Designated Heritage Assets in the vicinity of the proposed development could be considered to be at 'minor risk of impact due to the lack of mutual visibility between them and the development site, with no further mitigation required'. The impact on the settings of non-designated heritage assets within 500m of the proposed development would 'range from neutral to major'. We concur with these assessments. With regard to the proposed development site itself, the desk-based assessment and geophysical survey have identified 'a low density of features of indeterminate function' in addition to the ridge and furrow ploughing and inconclusive results in the field adjacent to the cropmark features. The assessment recommends a programme of further investigation prior to construction. Again, we concur with these conclusions.
  - iii. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, we recommend that a phased programme of archaeological work should be made a condition of any planning permission for the proposed development. The first phase of the programme of archaeological work should take the form of an archaeological evaluation to comprise trial excavations to confirm the results of the geophysical survey and the nature and extent of the archaeological resource. This would enable a decision to be made regarding an appropriate mitigation strategy for the archaeological remains affected by the development to form the subsequent phase(s) of the programme of archaeological work. We note that the Planning Statement and Designated and Access Statement suggest 'the potential archaeological significances will be identified through a watching brief of site works.' We would disagree with this statement, and therefore reiterate that the archaeological requirements are for an archaeological evaluation followed by further archaeological mitigation (which may include a watching brief) as required.
- 4.1.11i. Regulatory Services (Public Protection): No objection. Environmental Geotechnical Specialists (RGS) have submitted a Phase I Desk Study; ref. J3647/16/EDS dated 6th October 2016. The information from the Phase I Desk Study shows that there are no possible sources of contamination on the site and any pollutant linkages are unlikely. Shropshire Council has no record of any potentially contaminative uses in respect of the site and therefore it is not considered necessary to undertake any further assessment.
- ii. A noise assessment by Cundall, ref 1014229-RPT-AS-001, has been submitted with this application. It states that it is possible for all residential units to be provided with internal noise levels of 30dB LAeq in the night in bedrooms and 35dB LAeq in the day in all habitable rooms. It provides noise levels required to achieve this but does not specify where specific glazing requirements are necessary nor does it specify what acoustically attenuated trickle vents would achieve the desired noise levels. In relation to external

areas the applicant states that boundary fencing/walls should be possible of achieving no more than 55dBA in external amenity areas. No specifics have been supplied e.g. barrier height, construction, density. Noise conditions covering these matters are recommended (included in appendix 1).

4.1.12i. Trees (1/12/17): No objection subject to the following comments. During pre-application PREAPP/17/00003 the Tree Service made a number of recommendations in accordance with MD2 & MD12 indicating the need for a full application to be supported by the quality and detail of arboricultural and landscape planning and provision appropriate to the scale and value of the proposed development. Having considered the above plans and particulars we consider that the sustainable credentials of this proposed development would be improved if the following key points were addressed:

- i. We disagree with the conclusions set out in section 4.7.13 of the Landscape and visual impact assessment and the inferred conclusions of the tree survey that the development will have no long-term impact on retained trees. We recommend that the site layout around these trees be reconsidered (see section 2 below and SC trees addendum).
  - ii. The provision of a fully considered and detailed landscape proposal with supporting information with proof that the provision will be viable and will provide adequate long-term landscape mitigation and the protection and enhancement of wildlife corridors' and stepping stones (Areas to consider are offered in section 3 and the SC trees addendum).
- ii Arboriculture: The arboricultural report constitutes a base line tree survey with a section headed as an arboricultural impact assessment that is essentially a generic and offers insufficient details to be meaningful. In a number of respects it fails to interpret for the developer and other users of the document important considerations for the wider constraints imposed by existing trees in accordance with section 5 of BS5837:2012 sub-sections 5.1 to 5.4. The site constraints' plan (Ref. 1227\_P\_SA\_05 REV C) upon which the site layout was presumably designed reflects the lack of detail and interpretation offered in the arboricultural report and in our considered opinion fails to give adequate regard to the constraints posed by the existing mature trees and their condition, age, and impacts on future residents enjoyment of their properties: Section 5.24 of BS 837:2012 clearly states that: "Particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development. Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance". We consider it unlikely that the retention of mature hedgerow trees especially ash trees in close proximity to houses will be successful in the long term. TPOs might keep the trees on the landscape for a decade or two but the character and faults associated with these trees suggest that they would be better appreciated in a public open space where issues around proximity and access for management are less likely to result in pressure for hard crown reductions or removal.
- iii. Landscape: We recommend that the council employs a suitably qualified and competent landscape architect to consider the proposal in relation to the broader landscape and the landscape and visual impact assessment and the extent / quality of mitigation. However with our knowledge of the area we feel confident to state that the site once developed

will be visible from a number of external points both near and far. Therefore it is important that the provision of a sustainable comprehensive and detailed landscape proposal is essential to the successful integration of this proposed development into the landscape. We consider that in the light of the government's commitment to speeding up development and removing pre-commencement conditions there is a need on a site as large as this for such details to be given the same level of consideration before determination as all other elements of the development such as house and access design and SUDS provisions. The plans submitted include a great many trees planted in thin amenity strips, and whilst we celebrate the general idea of roadside planting it is not clear that for many of the trees the space allocated will accommodate specimens of much stature, and that those trees would be retained into maturity. From experience the Tree Service have found that a few high quality heavy standard trees (in this case +/- 20 trees) planted to the highest possible specification in the right place are more likely to have a significant and long lived effect on an areas character and amenity than many hundreds of poor quality trees planted without proper consideration. (We have attached a Tree Service addendum to help illustrate the points made here).

- iv. The following considerations / approach might better integrate the site into the landscape through providing focused sustainable tree planting. As was discussed in the Tree Service's pre-application comments in relation to the ongoing areas under the outline element of this application we consider that the upfront provision of a detailed landscape proposal could remove the need for pre-commencement conditions which would accord with the Governments aspirations as set out in the recent Government white paper "Fixing our broken Housing Market". The centre of the site is on high ground that drops away to the north and south, the plans show the retention the hedgerow and an amenity strip on this ground that accommodates the public right of way. This high ground provides an excellent opportunity for strategic planting of large landscape trees, but the plans show trees to be planted in a narrow roadside strip sandwiched between the house drives and the main estate road. Widening the ridgeline amenity strip adjacent to the hedgerow would create an appropriate space for the establishment to maturity of large landscape trees (Oak and lime etc.) that in the longer term would genuinely contribute to the estates internal character and its integration into the broader landscape. The southern section of the site has roadside planting in narrow verges between the main estate road and the access roads but the long term success of planting might be better achieved in association with the suds scheme and a broader site margin that will accommodate large landscape trees into maturity without conflict with traffic and pedestrians' etc. The eastern boundary offers some opportunity for the inclusion of large landscape trees to be tagged (protected) for long term retention but this needs to be carefully considered and the trees planted in situations where their presence at full maturity will not result in proximity issues. The triangle of land at mid-point along the eastern boundary was identified in PREAPP/17/00003 for public open space but has now been identified for development the loss of this central open space removes a key central area for recreation on the estate and offers no opportunity for a deep unbroken boundary treatment and habitat corridor along the east boundary. Whilst this application is only full for part of the site the applicant has an opportunity to establish key landscape planting across the whole site in advance of the further phases of development, this would provide established landscape cover to future development and speed up the new developments' sympathetic integration into the landscape. Due to the extent of ground disturbance that will be necessary to deliver this development the un-compacted soils in areas identified for landscape mitigation and planting should be protected from

disturbance throughout the whole development or proportionate and effective soil mitigation and improvement should be part of any approved landscape proposal. For any trees or shrubs planted to thrive and succeed this is an essential provision.

- v. Conclusion: Whilst the Tree Service do not object to the principle of development at this site, we consider that in relation to arboricultural and landscape mitigation measures there is significant room for improvement.

4.1.13 Waste Disposal: It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Particular concern is given to the following plots which are on private drives and the vehicle would not access: 1/7/8/9/10/16/58/59. For the properties identified above collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

## 4.2 Public Representations:

4.2.1 The application has been advertised in accordance with statutory provisions. Four objections and one neutral comment have been received. The following points are raised:

- Clarity sought on fencing details and levels;
- Concerns for privacy with new houses and gardens in direct line of sight.
- Who will maintain the area designated as "Public Open Space"?
- Who will maintain the retained hedgerows?
- Questioning need for the housing in a greenfield out of town location – should use brownfield sites up first;
- Questioning the availability of suitable services to support the development (medical, schools, transport etc);
- Questioning the sustainability of the location - it will involve excessive traffic.
- Existing dwellings at Rocks Green will suffer;
- Current unrestricted views of Clee Hill will be lost;
- Questioning placement of the proposed affordable homes in front of existing property;
- Confusing drawings. Drainage Strategy Sheet 1 shows a different layout to drawing Overall Site Master Plan.
- Recently Shropshire Council have granted outline planning for a 2-plot development at the rear of our property, Ref Number 15/04158/OUT, we know these aren't connected, but again it's our property that is affected. So, the outcome

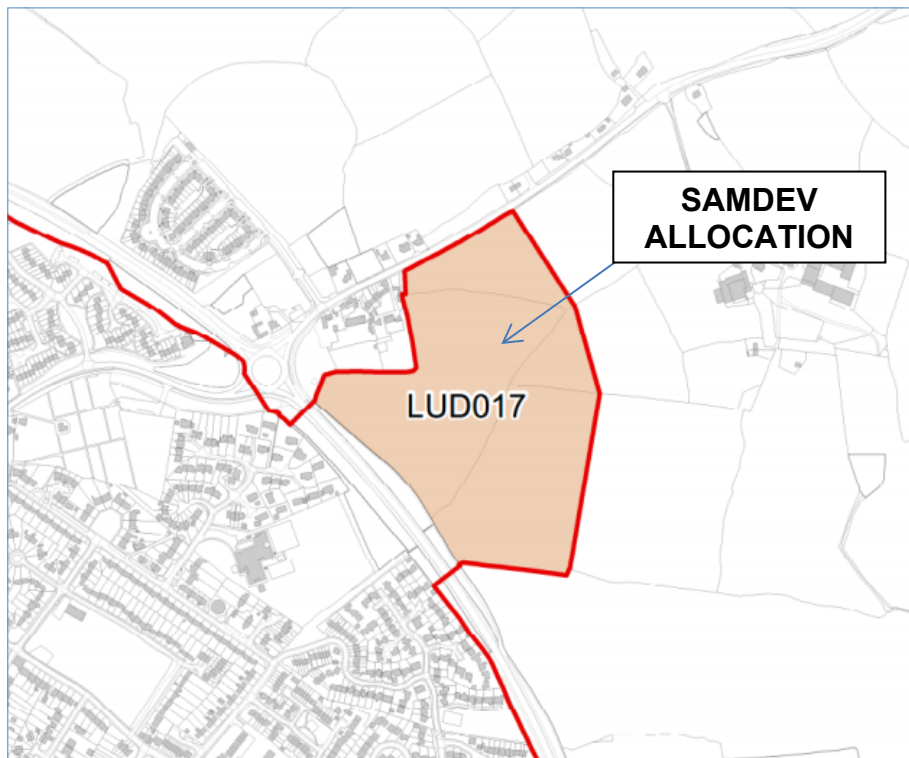
of this and the proposed Pickstock Homes development would mean that three sides of our property would be overlooked by new properties.

- I am concerned about the access into Downton View. This once muddy pathway with a small stile is now used for regular access through. We have our fence panel vandalised on a regular basis. This path is simply not suitable for purpose. I strongly feel that an alternative access point if indeed one is even necessary should be used.
- I object to the proposed development at Rocks Green on A4117, firstly due to the increased traffic on an already very busy and dangerous road. I have problems driving out from my property at the moment due to the volume of traffic and additional traffic would make this much worse.
- What will happen to the wildlife, the birds, rabbits, bats, owls, mice, voles etc. Where will they go, or doesn't that matter to the Council?

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Highways and access
- Visual impact and landscaping
- Other considerations

## 6.0 OFFICER APPRAISAL



**Figure 3 – SAMDev allocation**

### 6.1 Principle of development



- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. Consideration needs to be given to this presumption in favour of sustainable development in determining whether a site is suitable for release.
- 6.1.2 SAMDev Policy S10 advises that the guideline for growth in Ludlow is for around 875 new dwellings and a minimum of 6 ha of employment land between 2006 and 2026. The policy advises that new housing development will be delivered primarily on the allocated housing sites east of the A49, alongside additional infill and windfall development within the town's development boundary.
- 6.1.3 The application site is identified as a housing allocation for up to 200 homes under SAMDev Policy S10 (allocation reference LUD017). The site profile for the allocation advises that any planning application for the site should include the following:
- access off the A4117;
  - landscaping to take account of wider setting;
  - provision of open space;
  - contribution to pedestrian/cycle access over A49, and to foot/cycle path to Eco Park;
  - provision to enable access to potential future development area to the south.
- 6.1.4 The principle of housing delivery at this site can therefore be accepted subject to the above provisions. It is necessary however to determine the extent to which the proposals are also capable of complying with other relevant development plan policies.

## **6.2 Siting, scale and design**

- 6.2.1 Full permission is only being sought for phase 1 of the development at this stage. Phases 2 and 3 would be subject to reserved matters applications with respect to detailed layout, design and landscaping at subsequent stages. An indicative master plan for the whole site does however show access roads, landscaping, housing areas, public open space and drainage within the entire site. It is considered that the overall layout of the site as shown on the Masterplan is acceptable.
- 6.2.2 There is a logical layout for traffic circulation with a street hierarchy which balancing access against residential amenity. The curved / sinuous design of streets lends variation and privacy to the street scene. Sufficient open space has been provided with passive surveillance. The masterplan retain existing trees, hedgerows and wildlife features and creates new landscape features including hedgerows, grass areas and a balancing pond.
- 6.2.3 The detailed layout of Phase 1 initially attracted some objection from Conservation officers. This has however been subject to a number of changes and is now considered to be acceptable by them. A visual gap between the development and existing properties at Rocks Green has been amplified. Use of render has been introduced onto some facades in order to reflect the prevalence of this surface treatment in existing properties at Rocks Green. Properties are set back from the A4117. A central tree lined 'boulevard' provides access into the site.

- 6.2.4 Nine different types of home are proposed from 2-5 bedrooms. These exhibit a variety of features including porches, canopies, chimneys, brick lintels and recently introduced render (see above) and a range of different roof forms which give variety to the street scene. There would be ample space for 2 vehicles to park and turn on the plots. Most properties are capable of being served by larger refuse collection vehicles though shared collection points would apply for plots 1,7,8,9,10,16, 58 and 59
- 6.2.5 It is considered that Phase 1 of the development is acceptable in terms of layout and design and that an acceptable scheme could also be achieved in principle for phases 2 and 3 at the reserved matters stage. Core Strategy Policy CS6, SAMDev Policy MD2.

#### Layout - plots 54-61

- 6.2.6 The proposed 8 affordable plots (54-61) have been placed on the western side of the site nearest to existing properties at Rocks Green. The occupant of a dormer bungalow to the west of these properties has objected to their placement near to this boundary on the basis that 1) they are affordable and 2) that they would block existing views of Clee Hill 3km to the east from the objector's east-facing kitchen window. The following conclusions can be reached on this matter:
- i. In spatial terms the side (east) elevation of the property faces towards the proposed affordable plots with a separation distance between the property and the rear (west) elevations of the affordable plots in excess of 30m. Whilst Shropshire does not currently have any guidance on spatial standards for housing this is more than double the separation distance between a principal façade and a side elevation which is generally adopted informally at a national level (13m). Whilst the east elevation with the objector's kitchen window would not normally be considered a principal elevation the separation distance is also over 9m more than the generally adopted separation distance between two 2 storey principal elevations (21m).
  - ii. The objector's property is separated from the affordable properties by the whole 12-14m length of the affordable property gardens with a mature hedgerow beyond. There is also a 3-4m wide driveway on the other side of the hedge before the residential curtilage of the objector property.
  - iii. Permission for 3 new bungalows has already been approved to the north and south of the property in question.
  - iv. No details of tenancy for the affordable units is yet known so any concern in this respect is not justified. The layout mixes affordable alongside market dwellings and this has been accepted by the Shropshire Housing Officer. The applicant considers that any requirement to amend the distribution of affordable units is therefore unjustified.
  - v. The principles of the development have been set by the strategic allocation and the consideration of the bungalow has been taken into account through the positioning of the open space to the south and south east of the property.
  - vi. The view from a window is not a material planning consideration, particularly in this case where the principal southern aspect is not affected by the proposed

development. The view from the bungalow's side elevation and conservatory does not represent a principle aspect.

- vii. The proposed dwellings are positioned well within the application site, off the boundary, and are not considered to be of a scale that will affect residential amenity or appear over-bearing.
- viii. Views from the ground floor windows are also likely to be already impaired by the existing hedgerow and trees, except for long distance views that have the potential to be influenced by any development on the allocation site. Safeguarding these low lying viewpoints of distant hills would mean resisting development across large areas of the site. This would be unjustifiable and contrary to the site allocation to deliver 200 dwellings.
- xi. The applicant has accepted a condition to deliver a landscape buffer along this margin of the site.

6.2.7 It is considered that the proposed design is acceptable and has sought to take account of the sensitivities of properties surrounding the site. It is not considered that planning refusal on grounds of residential amenity would be justified. Notwithstanding this, the officer considers that there is scope to undertake some additional mitigation works within plots 54-61 to maximise the successful integration of the development. Appendix 1 includes a recommended condition (Condition 20) which seeks to achieve this in accordance with Core Strategy Policy CS6, SAMDev Policy MD2 and related national guidance.

### **6.3 Highways and access**

6.3.1 Highways England has withdrawn a holding objection following detailed dialogue with the applicant's highway consultants. The proposed development has been shown to have an acceptable level of impact on the trunk road network. It will be necessary for the developer to facilitate the movement of the speed limit to further away from the site access (northeast) to ensure that passing vehicles are traveling at the appropriate speed at the point of access. A financial contribution of £10,000, to facilitate this should be sought via a S106 agreement.

6.3.2 The Council's highway consultant lodged a holding objection based mainly around concerns that the area allocated by the applicant for a proposed roundabout would not be sufficient to accommodate any future traffic. The applicant has however provided subsequent information which confirms that the area is sufficient. The Highways Development Manager (South area) has indicated that the proposals are acceptable on this basis. It is emphasised that a roundabout is not proposed under the current proposals. A simple priority T-junction is sufficient to cater for anticipated traffic levels from the development.

6.3.3 The SAMDev site profile requires that the proposals will provide a means of obtaining a access to other land to the south east of the site. The land in question (between Rocks Green and The Sheet) is not currently the subject of any site allocations or planning applications but may be subject to development proposals in the future. The application provides a link from the site to this land and also sets aside the area for the roundabout which would cater for any additional traffic which such future proposals may generate. It

is recommended that the legal agreement for the current proposals secures the safeguarding of this land until such time as it is needed for the roundabout.

- 6.3.4 The Council's highway consultant also raised the matter of pedestrian provision. In this respect the SAMDev site profile states that the proposals should secure a 'contribution to pedestrian/cycle access over A49, and to foot/cycle path to Eco Park'. The officer has reviewed this requirement in dialogue with the Council's policy team. In terms of the pedestrian link the proposals would deliver a new footpath along the site's south frontage with the A49. This would link to an existing footpath and pelican crossing on the south-east side of the Rocks Green roundabout which would provide access to the centre of Ludlow via Henley Road.
- 6.3.5 The Council's highway consultant has suggested that it may be preferable for the proposals to assist in delivering a pedestrian footbridge where an existing right of way crosses the A49 towards the middle of the southern end of the site. It is the case that such a crossing might provide a more direct means of pedestrian access to town centre 'as the crow flies'. However, the current scheme would be unable to finance the significant cost of a footbridge on its own. This is not required by the SAMDev site profile and was not required by Inspector at the SAMDev Inquiry. The applicant contends that the requirement to deliver a link 'over' the A49 is met by the proposed footpath link to the roundabout.
- 6.3.6 The officer considers that the currently proposed footpath link would facilitate an appropriate safe and secure form of access to the town centre and the area south east north of the by-pass generally, including the Ludlow Junior School. It would also facilitate safe pedestrian access to the new supermarket site which has been permitted to the east of Rocks Green roundabout. The proposed footpath would take pedestrians wishing to access the town centre slightly further to the east than the right of way which crosses the A49 where a pedestrian bridge is suggested by the Council's highway consultant. However, the pedestrian facilities on Henley Road west are much better, and safer than the continuation of the public footpath to the west of the A49 which would require substantial upgrades. It is considered unreasonable in these circumstances to require the applicant to make a financial contribution towards a pedestrian footbridge across the A49 when a more acceptable alternative exists, is proposed and would deliver improved linkage to some facilities including the proposed supermarket site at Rocks Green. It is considered that the proposals can be accepted in highway terms subject to the recommended conditions.

## **6.4 Visual impact and landscaping**

- 6.4.1 The application is accompanied by a landscape and visual impact appraisal. This concludes that the proposed development would result in landscape effects but these would be limited by long term mitigation. The short term construction effects would be most intrusive upon existing landscape character and landscape features. These would however diminish over time as the development matures. Some of the identified visual receptors would be experiencing major adverse visual effects but these would also be moderated effects over time as the proposed green infrastructure matures.
- 6.4.2 The site is not located within the AONB and there are no listed properties in the vicinity though the Nelson Inn is a non-designated heritage asset. The applicant has made a

number of amendments to the design of the scheme to assist in integrating the development with the existing properties at Rocks Green. Detailed design issues including surface treatments are capable of being secured by condition at the reserved matters stage. It is concluded that the proposals can be accepted in visual amenity terms having regard to the proposed landscaping and layout and the allocated status of the site.

## 6.5 Other considerations

- 6.5.1 Flooding/Drainage – The site proposes a foul water pumping station along the southern boundary of the site with a 15m cordon sanitaire and a wet well to allow for additional 27m<sup>3</sup> storage for emergency use. The site also accommodates an attenuation pond to cater for flows up to the 100 year return period plus 40% for climate change. A proposed flow control chamber is also to be situated in the most south eastern corner of the site and proposed storm water outfall is designed to flow to the existing ditch course. The drainage information submitted in support of the application has been assessed by the Councils submitted flood risk and water management team and they have raised no objection to the proposal on the basis that they are satisfied that a satisfactory drainage solution can be provided subject to recommended conditions.
- 6.5.2 Residential amenity: – A construction management plan condition has been recommended in order to control and minimise disturbance during the construction phase. Once completed, the development would have no greater implications for noise generation or nuisance than any other residential use.
- 6.5.3 Ecology: The application is accompanied by a phase 1 ecological survey. No evidence of badgers was recorded. No nests were observed in the trees or hedges around site though the quality of this habitat was noted. The report recommends the provision of woodcrete bird boxes around the site. Two ponds within the site were dry at the time of survey and scored very low on the Habitat Suitability Index. The report concludes that no further survey is necessary for great crested newts. In terms of bats recommendations to retain some specific trees, to maximise the retention of existing hedgerows and to provide bat boxes in some buildings are made. The report recommends that the landscaping around the new buildings includes some hedging and tree planting to enhance the area for biodiversity with use of locally sourced native species.
- 6.5.4 The report concludes that trees within the site and its boundaries should be retained and protected at all times throughout this development. If these are kept, it is considered that this development can proceed as planned without damage to, or loss of habitat for bat species. Some of the hedgerows which may require removal for access purposes will potentially provide nesting bird habitat in the correct season. The method statements provided in this report will be followed, and works will be done at a suitable time of year. This will result in there being no ecological constraints to the development.
- 6.5.5 The site boundaries consist of mature hedgerows and these are being maintained to ensure that no harm is made to existing habitats. The proposed landscaping and areas of Public Open Space will add to the biodiversity of the site. The council's ecology section has withdrawn a previous holding objection following discussions with the applicant's ecologist confirming agreement on a number of conditions which are included in appendix 1. It is concluded that the proposals can be accepted in ecological terms.

- 6.5.6 Affordable Housing: The proposals will deliver 8 on site affordable homes in the first phase with additional affordable properties being delivered subsequently in phases 2 and 3 as part of the reserved matters details. The affordable homes will be delivered under a Section 106 Agreement. The overall contribution will accord with the requirements of the Council's Supplementary Planning Document on Type and Affordability of Housing. (Core Strategy Policy CS11)
- 6.5.7 Sustainability: The development is considered to meet all 3 strands of sustainable development identified in the NPPF. It will provide social benefits through the provision of new housing in a sustainable and allocated location adjoining the market town of Ludlow. It will provide economic benefits through purchase of local goods and services to facilitate the development and through the economic contribution of future occupants to the town's economy.
- 6.5.8 It is considered that the proposals will also be sustainable in environmental terms. The access is considered acceptable by highway officers and there are no outstanding objections by planning consultees. Any residual issues are capable of being addressed by use of appropriate planning conditions.
- 6.5.9 Application area: There is a slight discrepancy on the eastern boundary of the application site with the area of the SAMDev allocation. The eastern boundary in the allocation is curved whereas it is straight in the current application. In view of this the current application was re-advertised as a technical departure. However, the overall area of the site does not differ materially from that of the SAMDev allocation and the areas identified for housing in the layout master plan remain essentially within the area of the SAMDev allocation with the exception of one plot at the north-eastern end of Phase 1. The area discrepancy at the southern end of the site is due to the inclusion of a proposed landscaped drainage balancing pond. If members are minded to accept the officer recommendation then it will be necessary to wait until the 21 day notice period expires (on 17<sup>th</sup> March) before any decision can be issued. If material new issues are raised in response to the departure notification then the application will be reported back to a subsequent committee.

## **7.0 CONCLUSION**

- 7.1 The application site is allocated in the SAMDev for the development of 200 houses. The site is within easy reach of the market town of Ludlow, the primary road network and existing and emerging facilities east of the by-pass. It is therefore in a generally sustainable location. Highway matters have been satisfactorily resolved and there are now no outstanding objections from planning consultees.
- 7.4 The proposals are considered to represent sustainable development and are generally in accordance with the development plan. Consequently the 'presumption in favour' set out in local and national planning policy applies. Approval is therefore recommended subject to the conditions and a legal agreement providing for an affordable housing contribution, safeguarding of the future roundabout land and a financial contribution to secure re-location of the existing 40mph speed limit.

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

## 8.1 Risk Management

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

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

8.1.2 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

8.2.1 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

8.3.1 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

9.1 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.

## 10.0 BACKGROUND

### Relevant Planning Policies

Central Government Guidance:

- National Planning policy Framework

Shropshire Core Strategy:

- CS3 The Market Towns and other Key centres
- CS4 Hubs and Clusters
- CS5 Countryside and Greenbelt seeks to limit development in the countryside to that which needs to be there and makes it clear that in assessing proposals account will be taken of the impact on the character of the countryside.
- Policy CS6: Sustainable Design and Development Principles is concerned, amongst other things, with ensuring new development protects, restores, conserves and enhances the natural, built and historic environment. The policy also seeks to ensure that there is sufficient infrastructure capacity to cope with any new development.
- CS11 Type and affordability of Housing;
- Policy C17: Environmental Networks endeavours to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

SAMDev Plan:

- MD1 – Scale and Distribution of Development allocates sufficient land in the period up to 2026 to enable the delivery of the amount and distribution of housing development set out in Policies CS1 and CS2 and in the SAMDev site allocation policies including S10 (Ludlow).
- MD2 – Sustainable Design is concerned, amongst other things, with respecting locally distinctive or valued character, including the historic context.
- MD3 – Delivery of Housing Development;
- Policy MD8: Infrastructure Provision specifies that new development will only take place where there is sufficient existing infrastructure capacity or where development includes measures to address a specific capacity shortfall which it has created.
- MD12: The Natural Environment indicates that proposals that are likely to have a significant adverse effect, directly, indirectly or cumulatively on a range of matters, including visual amenity or landscape character and local distinctiveness, will only be permitted if there is no satisfactory alternative and the social and economic benefits of the proposal outweigh the harm.
- MD13: The Historic Environment
- S10: Ludlow Area

Relevant Planning History:

- 16/04408/SCR Proposed residential development. EAN 24th October 2016
- 16/04409/SCO Proposed residential development PCO
- PREAPP/17/00003 Proposed Residential Development. AIP
- 17/05189/FUL Hybrid application (part full, part outline) for residential development of up to 200 dwellings and associated infrastructure, drainage, open space, landscaping with access from the A4117 at Rocks Green (full application to involve 68 dwellings and outline application to involve up to a further 132 dwellings) PDE



**11. ADDITIONAL INFORMATION**

List of Background Papers: Planning application form for application reference 17/05189/FUL and accompanying design and access statement and plans

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member: Cllr. Vivienne Parry

Appendices: APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION

1. Approval of the details of the appearance, layout and scale of the development and the landscaping of the area of the site covered by the outline element of the application ('Phases 2 and 3') (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins in connection with the outline scheme and the development shall be carried out as approved.

Reason: The application is a hybrid application which comprises part full application and part outline application under the provisions of Article 4 of the Development Management Procedure Order 2010. No particulars have been submitted with respect to the matters reserved in the outline part of this permission.

- 2a. The 'full' planning permission component of the development ('Phase 1') must be begun before the expiration of three years from the date of this permission.
- b. Application for approval of reserved matters with respect to the outline element of the development ('Phases 2 and 3') shall be made to the local planning authority before the expiration of three years from the date of this permission.
- c. The outline element of the development hereby permitted shall be commenced 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.

3. The development shall be implemented in strict accordance with the approved details accompanying the application form dated 20/10/17 (as supplemented for the outline element of the permission by the reserved matters details), namely:

- Covering Letter;
- Summary Statement;
- Statement of Community Involvement;
- Affordable Housing Proforma;
- CIL Liability;
- Design & Access Statement;
- Planning Statement;
- Drainage Strategy Plan Part 1 1:500 (at A0);
- Drainage Strategy Plan Part 2 1:1500 (at A0);
- Phase 1 Environmental Appraisal Report;
- Transport Assessment Report;
- Transport Assessment Figures Part 1;
- Transport Assessment Figures Part 2;
- Transport Assessment Appendices;

- Access Design Plan Fig 5.1 13-00232 1:1000;
- Housing Density Plan S36C-6e17101916270 ;
- Arboricultural Report;
- Noise Report;
- Archaeological Impact and Geophysical Assessment;
- Geotechnical Report;
- Tree Survey;
- Rocks Green Landscape & Visual Impact Assessment;
- Flood Risk Assessment Report;
- Access Swept Path Analysis Plan 5.2 13-00232 1:250;
- Site Location Plan: CL012 Site Location Plan 1227\_P\_SA\_06 1:10000 (at A3);
- Site Location Plan: CL012 Site Location Plan 1227\_P\_SA\_07 1:2500 (at A3);
- Aerial Local Plan: CL012 Aerial Location 1227\_P\_SA\_04 1:10000 (at A3);
- Detailed Application Plan: CLR012 Application Plan 1227\_P\_SA\_07\_01 1:2500 (A3)
- Topographical Survey roc10567.01-A0 PLOT (1:500);
- Topographical Survey roc10567.02-A0 PLOT (2) (1:500);
- Topographical Survey roc10653.01-A1 PLOT (1:500);
- Constraints Plan: CLR012 Constraints Plan 1227\_P\_SA\_05 rev C 1:2500 (at A3);
- Overall Masterplan: 1227\_P\_SA\_09 rev D 1:1000 (at A1);
- Detailed Stage Housing Plan: 1227\_P\_SA\_10 rev B 1:500 (at A1);
- Budget and Density Plan: 1227\_P\_SA\_11 rev A 1:500 (at A1);
- Sketch Masterplan: 1227\_P\_SA\_08 rev A 1:2000 (at A3);
- Street Elevation: 1227\_P\_DET\_02;
- Site Sections: 1227\_P\_DET\_01 1:100 (at A1);
- Schedule of Accommodation:

Dwellings and Elevations of proposed Dwellings:

- 4B-05-p01 - tamar hse type;
- cal - 4B-03-ele01 - calder hse type elevations;
- cal - 4B-03-pln01 - calder hse type plans;
- rob - 3B-04-p01 - Roeburn plans;
- sher - 4B-02-p01 - sherbourne hse type;
- sher - 4B-02-p02 - sherbourne hse type;
- stre - 4B-01-p01 - stretford plans and eles;
- tetb - 03-11-p01 - Tetbury plans;
- twe - 2B-01-p01 - tweedale plans;
- win - 03-14-p01 - Winster plans;
- with - 3B-09-p01 - witham plan;
- woo - 4B-04-ele01 - woodbridge elevations;
- woo - 4B-04-pln01 - woodbridge plans.

Reason: To define the permission.

**CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

Surface treatments for Phase 1 (Full application)

4. No development approved by this permission shall commence until details of the roofing materials to be used in construction and hard landscaping of the development including roofing, external walls, fenestration, paving and fencing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Levels for Phase 1 (Full application)

5. No development approved by this permission shall commence in each phase of the permitted development until details of the floor level of the proposed housing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

Noise for Phase 1 (Full application)

6. All properties facing and adjacent to existing roads shall have glazing fitted to habitable rooms capable of reducing noise by 30dBA between the external and internal facade. All other glazing on site shall be capable of achieving 25dBA noise reduction between the external and internal facade. Trickle vents that achieve the same degree of noise reduction as the glazing shall be included to all glazing units facing existing roads to ensure that ventilation is possible without compromising the internal noise environment.

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

7. Prior to commencement details of the barriers to garden boundaries capable of ensuring garden spaces can achieve 50dBA where possible and no more than 55dBA as a maximum shall be submitted to the local planning authority for approval in writing. No affordable housing shall have garden area exposed to more than 50dBA. A noise assessment shall be carried out post construction but prior to occupation of any property which borders an existing noise source and a report submitted to the local planning authority for approval in writing.

Reason: to ensure that the health and wellbeing of future residents is protected and that those less equipped to take positive steps for their health are afforded suitable protection to avoid health inequalities.

Archaeology (Full and Outline – Phases 1-3)

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

Drainage and sewerage for Phase 1 (Full application)

- 9a. Notwithstanding the details submitted in support of the application a scheme or schemes providing further details of the proposed surface water attenuation drainage system for each phase of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of groundworks in each successive phase.
- b. The submitted schemes shall be implemented in accordance with the approved details and shall include the following details:
- i. Calculations confirming the ability to attenuate drainage to greenfield runoff rates;
  - ii. An appropriate allowance for urban creep (replacement of permeable surfaces with impermeable over time in urban areas) over the lifetime of the proposed development;
  - iii. Information on the proposed maintenance regime for any sustainable drainage system including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime;
  - iv. Calculations supporting the proposed spacing of highway gulleys within the site based on a storm intensity of 50mm/hr with flow widths of:
    - 0.5m on all carriageways with footways, or;
    - 0.75m on all carriageways adjacent to a flush soft verge, or;
    - 1.0m on carriageways which have a hard-shoulder.

Gully spacing shall be no less than 20m on balanced carriageways except in vulnerable areas for 1 in 100 year storm events.

- v. Submission of a contoured plan or plans of the finished road levels showing the proposed management of any exceedance flows up to the 1 in 100 years plus climate change storm event.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design taking account of any future extensions of impermeable surfaces.

10. The development hereby permitted should not commence until plans for the disposal of foul water flows along with details of any agreements with the local water authority have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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

Construction Management Plan for Phase 1 (Full application)

11. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and 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 and facilities for public viewing, where appropriate;
  - v. wheel cleaning facilities;
  - vi. measures to control dust and mud during construction;
  - viii. a Traffic Management Plan.

Reason: To protect the amenities of the area during the construction phase and to ensure the safe and free flow of traffic on the public highways in accordance with Section 10 (2) of the Highways Act 1980.

Footpath diversion for Phase 1 (Full application):

12. No development shall proceed until a scheme confirming the effect of the proposals on Footpath 7 has been submitted to and approved in writing by the Local Planning Authority and any necessary diversion or temporary stopping up orders have been obtained.

Reason. To ensure that public rights of way are not adversely affected by the proposed development and that appropriate alternative routes are secured in advance of any development which may affect the existing definitive routes.

Landscaping and tree protection (for Full and Outline application):

13. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. The landscaping details shall include the following details:
- i. Planting plans, creation of wildlife habitats and features and ecological enhancements;
  - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - iv. Native species used are to be of local provenance (Shropshire or surrounding counties);
  - v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
  - vi. Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with level changes;
  - vii. Details of proposed planting schedules, methods and aftercare provision, including provision for two 'extra heavy standard' trees which shall be procured and planted in accordance with BS8545:2014;

- viii. Provision for planting of standard trees / shrubs along the site's boundary with the existing settlement at Rocks Green as part of the planting mix;
- ix. Provision of wildflower planting for the public open space, including alongside walking routes and within the north-western corner of the site where a wildflower meadow area will be delivered;
- x. Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

- b. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape, amenity and biodiversity in accordance with the approved designs and the Councils' policies on sustainable development.

- 14a. No ground clearance, demolition, or construction work shall commence within each of the 3 phases of the development until a scheme has been approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in BS5837:2012. The approved scheme shall be implemented for the duration of the construction works.
- b. No works shall commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

- 15. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactment of this statute, where properties have large mature trees incorporated or into or with rooting zones in their gardens then no sheds, extensions, outbuildings or other structures requiring excavation or footings, shall be erected without the prior written approval of the Local Planning Authority.

Reason: To ensure that over the long-term the development does not have a detrimental impact on the character and amenity the area through uncontrolled development resulting in the loss of retained trees or landscaping.

Ecology (for Full and Outline application):

- 16a. 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:

- i. 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;
  - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - iii. Requirements and proposals for any site lighting required during the construction phase;
  - iv. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - v. Identification of Persons responsible for:
    - a) Compliance with legal consents relating to nature conservation;
    - b) Compliance with planning conditions relating to nature conservation;
    - c) Installation of physical protection measures during construction;
    - d) Implementation of sensitive working practices during construction;
    - e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - f) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- b. An ecological clerk of works ('ECoW') shall be present on site to oversee the following works;
- i. Badgers:- Completion of a pre-commencement / construction check, tool box talk and site monitoring with a report to be provided to the council relating to each phase of the development.
  - ii. Bats and trees:- The trees will be managed and identified by the ECoW, so that any sections needing removal will be soft felled with a climbing Arboriculturalist (qualified to BS 8596) required to carry out the works and confirmed through a submission to the Council.
  - iii. Planting and attenuation ponds:- A Environmental Management plan will be produced in association with the Masterplan for the site. The ECoW will then oversee the planting and maintenance of POS, green buffers and tree planting. The Management plan will also include the attenuation areas and SUDS facility;
  - v. Identification of appropriate locations for ecological mitigation within the permitted site through the provision of bat and bird boxes.
- c. All construction activities shall be implemented strictly in accordance with the approved Construction Environmental Management Plan.

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

18. A scheme providing for ongoing monitoring of the site for wildlife during the construction phase for Phases 1, 2 and 3 taking into account the surveys carried out the Ecological Clerk of Works shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.



Reason: To allow for ongoing monitoring and protection / mitigation for biodiversity within the site in accordance with the Council's policies for sustainability having regard to the phased nature of the development.

19. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats and otters, which are European Protected Species.

#### Plots 54-61

20. Prior to the commencement of the development a scheme providing further detail on measures to protect the amenity of existing residential properties at Rocks Green to the east of plots 54-61 shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall make provision for the following measures:
- i. Realignment of plots 56-57 not less than 2m further to the east;
  - ii. Consideration for the scope to realign plots 54, 55 and 58-61 further to the east;
  - iii. Provision of a 2m acoustic fence along the western boundary of plots 56-57;
  - iv. Provision of a landscape planting area with a minimum width of 2-3m within the site boundary to the west of plots 54-61;
  - v. Planting of not less than twelve 2-3m high standard shrubs of appropriate species within the landscape planting area;
  - vi. Provision to ensure that the ground (slab) level of plots 56-57 is not raised relative to current ground levels and preferably is at least 30cm below current ground levels.
  - vii. Consideration of the scope to employ hipped roofs on the north and south sides of each semi-detached pair of properties in plots 54-61 with hips commencing not less than half way up the height of the roofs;
  - viii. Consideration of the use of obscure glazing for the lower half of the upstairs windows on the rear elevations of plots 54-61.

Reason: In the interests of residential amenity and to facilitate acceptable assimilation of the development with the existing properties at Rocks Green.

#### Informative Notes

##### Ecology:

- i. Great Crested Newt: *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.*

- ii. Trenches and 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. The storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.*
- iii. Nesting 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 birds 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.*
- iv. 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). Two trees on the site have potential for roosting bats to be present. If removal of these two trees, or tree surgery works, becomes necessary then it must be undertaken following the advice of an experienced, licensed bat ecologist and following a suite of bat emergence surveys. If a bat should be discovered on the site at any point during the development then work must halt and Natural England should be contacted for advice.*

Drainage:

- iv. As part of the SuDS, the applicant should consider employing measures such as the following to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner:*
  - *Water Butts*
  - *Rainwater harvesting system*
  - *Permeable surfacing on any new access, driveway, parking area/ paved area*
  - *Attenuation*
  - *Greywater recycling system*
  - *Green roofs*
- v. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed*

*development. The allowances set out below must be applied to the impermeable area within the property curtilage:*

<i>Residential Dwellings per hectare</i>	<i>Change allowance % of impermeable area</i>
<i>Less than 25</i>	<i>10</i>
<i>30</i>	<i>8</i>
<i>35</i>	<i>6</i>
<i>45</i>	<i>4</i>
<i>More than 50</i>	<i>2</i>
<i>Flats &amp; apartments</i>	<i>0</i>

*Where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.*

- vi. Highway gully spacing: Close spacing of gullies on a development will increase maintenance liability for both emptying and of the road surface around the ironwork. Amending the vertical profile or installing kerb drains should be considered where spacing's are less than 20m. Alternatively, to reflect the increased liabilities, a commuted sum would be applied to any gully within the minimum 20m spacing. Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.*
- vii. Exceedance flows: Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' requires that exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site, or contribute to surface water flooding of any area outside of the development site. Therefore the proposed management of exceedance flows generated by this return period must also be considered and catered for.*
- viii. Urban creep: Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. This is to ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces. The allowances set out below must be applied to the impermeable area within the property curtilage:*

<u><i>Residential Dwellings per hectare</i></u>	<u><i>Change allowance % of impermeable area</i></u>
<i>Less than 25</i>	<i>10</i>
<i>30</i>	<i>8</i>
<i>35</i>	<i>6</i>
<i>45</i>	<i>4</i>
<i>More than 50</i>	<i>2</i>
<i>Flats &amp; apartments</i>	<i>0</i>

Right of Way Diversion:

- ix. *Footpath 7 is affected by the development at its northern end. If it is not possible to keep, the footpath open and available at all times then the applicant will have to apply for a temporary closure of this route and the applicant will need to apply to the Mapping and Enforcement Team for such a closure.*

Highways:

- x. *Protection of visibility splays on private land: The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.*
- xi. *Disabled needs: The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways. Public rights of way affected A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.*
- xii. *Waste Collection: The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety. <https://new.shropshire.gov.uk/planning/faqs/>*
- xiii. *Landscaping: Should any proposed trees or shrubs be located in close proximity of any proposed or existing public highway infrastructure (>3 m), appropriate root protection systems will need to be submitted and approved prior to construction. In order to mitigate against any future root damage to roads, footways and the utility services beneath. Also any other landscaping/planting adjacent to the future highway will require appropriate maintenance and service arrangements, in perpetuity. In order to maintain any required visibility splays and to keep leaf litter clear of footways and drains, etc., in the interests of highway safety.*
- xiv. *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/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*
  - *undertaking 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 and a list of approved contractors, as required.*

- xv. *Section 278 Agreement (off site highway works): No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into: <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>*
- xvi. *Section 38 Agreement details (internal roads) If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>*

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Committee and date  
 South Planning Committee  
 13 March 2018

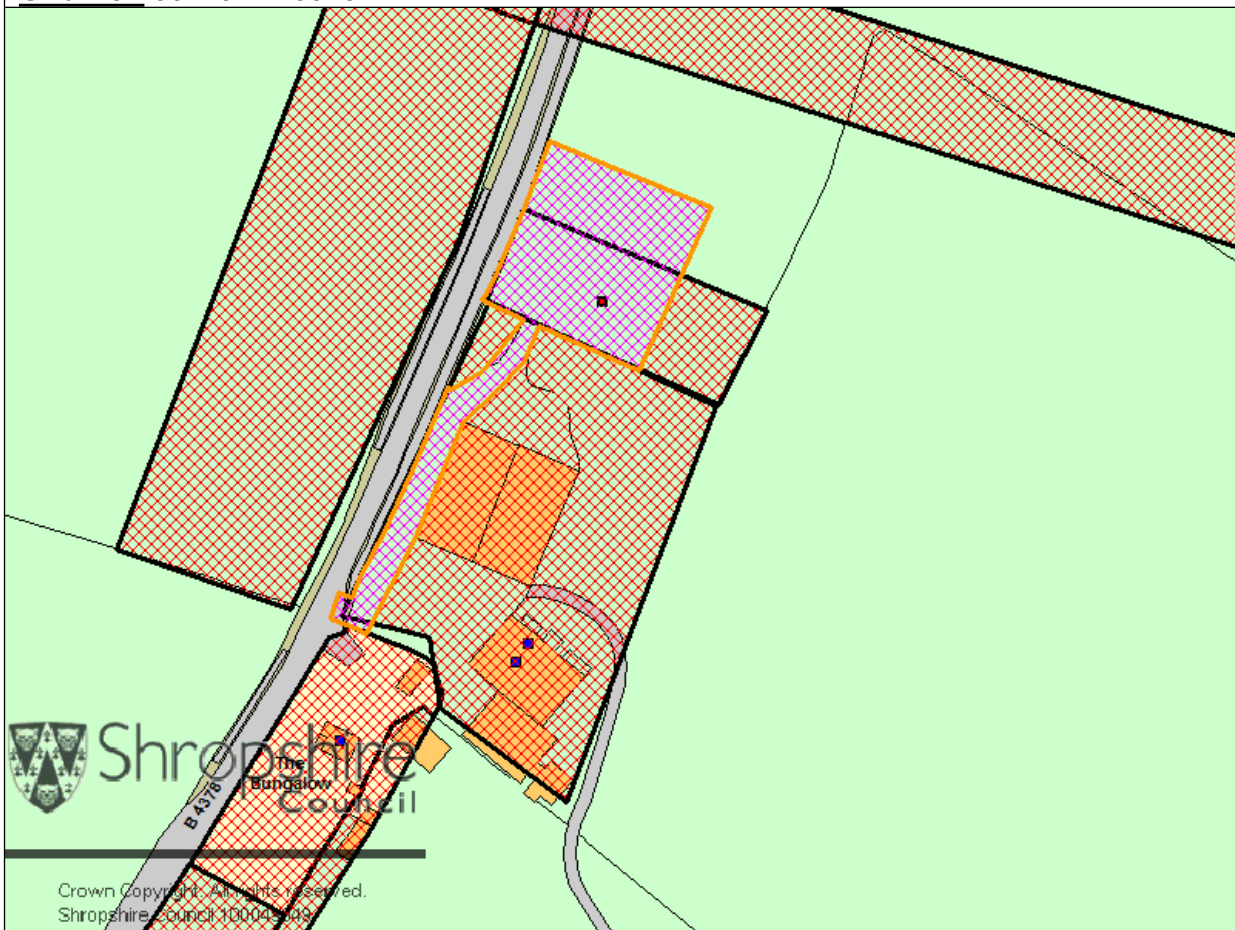
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 17/05723/FUL	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Erection of local needs dwelling and associated garage; installation of package treatment plant		
<b>Site Address:</b> Proposed Affordable Dwelling East Of Bourton Road Much Wenlock Shropshire		
<b>Applicant:</b> Mr & Mrs Trevor & Hayley Breakwell		
<b>Case Officer:</b> Mandy Starr	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 361762 - 299131



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**Recommendation:- Refuse:**

## Recommended Reason for refusal

1. This part of Parish of Much Wenlock is not a named settlement identified as being suitable for a rural exception site dwelling as it is in an area which is an isolated location at the back of a working farm yard. Consequently it is regarded as being in the 'open countryside' which is afforded protection from 'windfall' residential development under Policies CS1 and CS5 of the Shropshire Local Development Framework Adopted Core Strategy and Site Allocations and Management of Development (SAMDev) Plan policies MD3 and MD7a. The Council has a robust five-year housing land supply within settlements designated for development and whilst the proposed scheme would deliver limited economic and social benefits including one affordable house for sale or rent, there are no material considerations of sufficient weight to justify a departure from the development plan. The proposal is therefore contrary to the aforementioned policies and to Paragraphs 11-14 and 17 of the National Planning Policy Framework.
2. By reason of its location on the site immediately adjacent to a working livestock farm yard with which it would share access to the public highway, the residential amenities of the proposed dwelling would be severely compromised. The proposal would therefore not fulfil the environmental role of sustainable development and would be contrary to policy CS6 of the adopted Shropshire Core Strategy and paragraph 17 of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application is for the erection of a local needs dwelling and associated garage as well as the installation of a package treatment plant on land to the east of a working farmyard known as Bourton Bank. The dwelling would be one and half stories high and be constructed of brick, render and timber cladding beneath a clay tiled roof. UPVc joinery is also proposed. A detached garage would also be sited to the left of the house in front of the hedgeline.
- 1.2 Access to the proposed dwelling would be via an existing access that would be widened to accommodate this use and the driveway would use the existing farm yard access to the site which lies beyond the farmyard. The dwelling would be sited within a square shaped plot and include a garage and package treatment plant.
- 1.3 The proposed dwelling would be part single storey/ part two-storey and would provide an open plan kitchen and lounge with bathroom and two bedrooms at ground floor. At first floor would be a third bedroom with dressing room and ensuite. There is also a large amount of roof space that is not allocated for habitable space.
- 1.4 The materials as shown indicate that a mixture of brick, render and timber cladding is proposed. A wood burner is shown as being positioned in the lounge with an appropriate stack to be sited on the rear elevation.



- 1.5 The internal dimensions of the dwelling are shown as 7.1m by 10.8m which would give an internal footprint of 76.6sqm. At first floor a further 24sqm is proposed which takes the floor area to 100sqm. The eaves for the main part of the house are shown as 4.3m with a 6.9m high ridge. The single storey element would have eaves of 2.7m high and a ridge of 6.4m high, so some 500mm lower than the main roof
- 1.6 To the north of the dwelling would erect a detached double garage with a lean to plant room as the applicant wishes the house to have solar panels. The garage would have a floor area of 6.2m x 6.1m that would give a footprint of 37sqm. An adjoining plant room is also proposed with a floor area of 7.4sqm. The garage would have a pitched roof and be constructed of brick with tiles. It would have a ridge height of 5m and eaves of 2.7m.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The land where the proposal would be sited forms the edge of an open field in the countryside beyond a mixed farming enterprise. It has a site area of 0.1ha. The land itself where the dwelling would be sited drops gently away to the northeast and is set back from the highway. Along the roadside is a high bank and mature hedgerow that would be retained as part of the scheme. Access to the application site would be from an existing farm access off the highway which is currently used for farm vehicles. A small passing bay would be added to the shared access to allow for vehicles to pass each other between the agricultural barn and the boundary hedge. The existing vehicular access leads onto the B4378 and is some 0.7km to the southwest of Much Wenlock on the road that leads to Bourton.
- 2.2 The topography of this part of the road is that of a general slope down towards the town from the Edge, so the application site is higher than the surrounding land to the north and east. It would be hidden from the highway by a steep bank and hedge, so views are limited to the countryside to the north, however there is an open field to the east with a bridleway along the eastern edge of a lower field.
- 2.3 The application site is not part of the Shropshire Hills AONB, nor is the adjoining bungalow a designated heritage asset. It is outside of the town of Much Wenlock and does not form part of a named settlement. The proposed dwelling would be site beyond a large cattle shed at the edge of a field, in an area that appears to be used for storing vehicles and farm machinery.
- 2.4 There are also two large farm buildings on this working holding that housing over-wintering cattle and straw/hay as well as a dwelling on the south side of the farmyard known as The Bungalow which is currently undergoing extensions.

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

- 3.1 The Town Council view is contrary to the Officer recommendation and the local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the proposal

raises material planning considerations that warrant determination by Committee in this case.

**4.0 Community Representations**

- Consultee Comments

**4.1 Much Wenlock Town Council:** The Town Council fully supports this application because it is for a local family and is in compliance with Policy H5 of the Neighbourhood Plan for Much Wenlock.

**4.2 SC Highway Authority**

No objection subject to conditions and informatives.

Comment that Although the access is existing, this is an opportunity to improve the sightlines from this access for domestic vehicles. The access for domestic vehicles, onto a highway is required to be measured from a point 2.4m back from the carriageway edge at a height of 1.05m (drivers eyeline) for 215m in each direction for a 60mph speed limit or a road where the speeds are commensurate with 60mph speeds. The visibility splay should be such that the visibility from 2.4m back is unobstructed or over boundaries no higher than 900mm to obtain a view of approaching traffic and no higher than 600mm to obtain a view of small pedestrians along a footway or shared space.

The surface of the driveway is laid to gravel. The first few metres of the track should be given to sealed hard standing so as to prevent re-location of loose material onto the highway. This is a highway safety issue where the braking surface could be compromised.

A shared access drive for domestic and agricultural vehicles should be 4.2 m in width, maintained for the first 15m from the carriageway edge. If it is bound on either side by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is in order that a vehicle can enter the driveway at the same time as a vehicle is waiting to emerge to prevent an obstruction of the highway.

**4.3 SC Archaeology**

Have no comments to make on this application in respect of archaeological matters

**4.4 SC Regulatory Services**

Recommend contaminated land conditions due to potential for oil/fuel spills associated with fuel store and old vehicles on the site, in the event of a grant of planning permission.

**4.5 SC Trees**

Recommend conditions to secure the following:

(a) Details for the design, delivery, establishment and retention of a landscape plan for the whole

site, we recommend that this be secured as a pre-commencement condition.

(b) That the application be granted permission subject to the delivery of the planting phase of any approved landscape proposal before the occupation of the

site, this could be agreed as a preoccupation condition with the Planning Authority to be notified of the completion of the planting phase of the landscape scheme.

(c) That measures for after care and replacement of losses be bound by conditions for a period of up to five years.

#### 4.6 **SuDS**

Recommend Condition and informatives:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

#### 4.7 **SC Affordable Housing**

Mr and Mrs Breakwell have demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their housing need within the parish without assistance from this policy.

It is confirmed that Mr and Mrs Breakwell have demonstrated strong local connections to the Much Wenlock Town Council administrative area. After considering the couple's housing needs and personal circumstances, it can also be confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

The Local Housing Need elements of this application were established from information presented to the Council's Enabling and Rural Officer in August 2017.

- ☐ Mr and Mrs Breakwell intend to construct a 100 sq. m (max) affordable dwelling at the above site to occupy as their long-term family home.
- ☐ This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, restricting property size and limiting any potential future sale value.
- ☐ The couple currently live in a tied rental property linked to Downs Farm. As this property is rented, it is not considered suitable for their long-term housing needs and aspirations. Mr and Mrs Breakwell are also finding due to the property's age and its lack of central heating it is becoming increasingly difficult to heat. Its size is limiting as their daughter grows older.
- ☐ Much Wenlock Town Council were able to validate Mr and Mrs Breakwell's local connections stating that one Town Councillor in particular has known the Breakwell family for the best part of 50 years and had verified they had lived at Downs Farm since around 1964.
- ☐ Both Mr and Mrs Breakwell are employed and work locally.
- ☐ Both Mr Breakwell's father and uncle live in the local area and he regularly assists with their farming businesses. Mr Breakwell also deer stalks around Much Wenlock for a number of farmers.
- ☐ Mr and Mrs Breakwell's children attend local schools.

Mr and Mrs Breakwell have therefore demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their housing need within the

parish without assistance from this policy.

The Affordable Housing Officer has also raised the issue that whilst the applicant's may not have any objection to living here, any new occupier may not want to live by a working farmyard with a shared access.

-Public Comments  
None received

4.8 Much Wenlock Division Ward Member – Supports:

The Ward Member has submitted the following comments in support of the scheme:

- ☐ Much Wenlock town has a particular challenge in providing affordable housing for local people. Land prices, and therefore house prices, are amongst the highest in Shropshire.
- ☐ People with a local connection, especially those working locally, find it exceptionally difficult to get on the housing ladder locally. Family and social networks and the town's requirement for an indigenous labour force, demand local residence.
- ☐ I was therefore pleased to witness Much Wenlock Town Council confirm the applicants' family local connection. I personally know of the Breakwell family's involvement in Wenlock life for around 25 years. It is equally pleasing to see the local connection endorsed by the affordable housing team.
- ☐ Land holdings in sustainable locations around the town are quite limited, not least because there are two dominant landowners. Land in other ownerships with road frontage and access to services is quite limited; thus Single Plot Affordable applicants have little choice of location.
- ☐ The site is part of a recognised settlement. Ribbon development on Bourton Road (and indeed all down the road to Bourton) looks to Much Wenlock for all its commercial, educational, leisure, pastoral and religious needs. I consider that Bourton Road, from the Gaskell Arms to the bungalow at the brow of the hill, forms a group of housing.
- ☐ The principle of such development is fully supported by Policy H5 of Much Wenlock's Neighbourhood Development Plan.
- ☐ The location utilises an existing access from the B4378 which, subject to satisfying the suggested conditions, is supported by Highways Development Control.

**5.0 THE MAIN ISSUES**

Principle of development  
Location  
Siting, scale, design and landscape impact  
Drainage  
Contamination  
Residential Amenity  
Ecology  
Highway Safety

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Shropshire Core Strategy policy CS5 Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It does however permit development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of the rural communities. Any application will therefore need to assess the characteristics of the site and the nature of any impacts to the local environment and amenities and consider whether any identified impacts are capable of being satisfactorily mitigated. Affordable housing to meet a local need may be acceptable in accordance with national planning policies and Shropshire Core Strategy policies CS11 and CS12 (The latter related to gypsy and traveller provision).
- 6.1.2 Policy CS11 relates to the Type and Affordability of Housing. In order to meet the diverse housing needs of the county's residents to create an integrated and balanced approach with regard to existing and new housing including type, size, tenure and affordability. This will be achieved by a number of criteria including seeking to ensure that all housing developments are designed to be capable of adaption to accommodate lifestyle changes and ensuring that new open market dwellings makes appropriate contributions to the provision of local needs housing. The policy allows for permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community Hubbs, Community Clusters and recognisable named settlements, subject to suitable design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
- 6.1.3 SAMDev Plan policy MD7a is to be read in conjunction with policies CS5 and CS11 and advises that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. The Council's Supplementary Planning Document on the Type and Affordability of Housing sets out, with respect to single plot exception sites, the eligibility, locational and criteria to be met for such developments to be acceptable. Much Wenlock Neighbourhood Plan Objective 1 deals with Housing and includes a number of specific policies including Policy H5 which supports small scale affordable housing developments outside the Much Wenlock Development boundary subject to specific criteria.
- 6.1.4 The Council's Affordable Housing Team has advised that the applicants satisfy the eligibility criteria in terms of housing need and local connection for a single plot affordable dwelling. The issue here is whether proposed location of the dwelling would meet the locational criteria for single plot affordable dwellings, whether the house design meets the criteria for such dwellings and would be acceptable in the rural landscape, and whether the close proximity of the working farm building would unduly harm the residential amenities of the property. These factors are considered below.

## 6.2 Location

6.2.1 The Shropshire Type and Affordability of Housing SPD 2012 explains that exception sites for single plot affordable dwellings must be demonstrably part of, or adjacent to, a recognisable named settlement. It explains at paragraph 5.14 that sites that do not lie in a settlement, consisting of isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable. Each site is assessed on an individual basis and the SPD acknowledges that there are both tight-knit and loose-knit settlements which will be a context influencing whether a particular site is or is not acceptable.

6.2.2 The Much Wenlock Neighbourhood Plan policy H5 supports small scale affordable housing developments outside the Much Wenlock Development boundary subject to the following criteria:

- o They comprise up to 10 dwellings;
- o The proposals contribute to meeting the affordable and social-rented needs of people with location connection;
- o The development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity; and
- o The proposals would not have a significant impact on the surrounding rural landscape and the landscape setting of any settlement in the plan area; and
- o The development is appropriate in terms of its scale, character and location within the settlement to which it is associated.

It is the latter point that is relevant here as the application site would be outside of town settlement in the open countryside. There are also the issue of whether a dwelling in this location would conform to the pattern of development and character of this part of the area.

6.2.3 Although, the proposal is located in the parish of Much Wenlock which is a recognised named settlement, the application as a Single Plot Exception site itself is remote from the edge of the town being sited in a field beyond an isolated farm yard with the only access to the proposed dwelling being via the working farm yard so this would be effectively be within the open countryside.

6.2.4 As indicated above Much Wenlock is a tight knit settlement, and the Bourton Road in particular has a rural character with very few dwellings beyond the main part of the town. The open countryside is reached very soon after leaving the town. Although the agent has submitted information to state that other local dwellings have been permitted between this site and the edge of the town, only two have been permitted between the application site and the town centre which are 11/03688/FUL and 15/04678/FUL. These two units are much further down the hill and are more closely associated with the town itself. Therefore it cannot be considered that there is established ribbon development in this location. (The holiday lets units shown on the submitted plans have been refused planning permission are not rural exception site dwellings and were considered under different policies – ref 17/04678/FUL).

6.2.5 The introduction of a further dwelling albeit next to an existing farmyard is not considered to meet the locational criteria for single plot affordable dwellings and

would be out of character with this part of the open countryside, contrary to the Council's adopted policies.

### **6.3 Siting, scale, design and landscape impact**

- 6.3.1 Core Strategy policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context.
- 6.3.2 Policy CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.3.3 SAMDev Plan Policy MD2 relates to Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site such as natural and semi-natural features such as trees, hedges, woodlands and ponds.
- 6.3.4 Objective 6 of the Much Wenlock Neighbourhood Plan deals with Good Quality Design and requires that development should use appropriate building materials that respect their setting and rural environment and be of highest quality design and include appropriately sized gardens to the size of the property.
- 6.3.5 It is considered that the proposed built form, as described in section 1 of this report above, would not be out of keeping with the immediate locality. A condition would be attached to any approval issued to ensure that no additional internal floor space would be created in the future above the maximum of 100 sqm stipulated for affordable dwellings as part of ensuring that such properties remain affordable in the future to meet affordable housing needs.
- 6.3.6 At present there are 'through views' of the cattle building from the road, so a new dwelling of 6.9m high beyond would also be visible from the highway during the winter months. In addition, any built development that is sited right up against the hedgeline also has the potential to compromise the hedgeline and open up this part of the field.
- 6.3.7 Were the proposal acceptable, then from a landscape perspective there is a need to consider suitable soft landscape mitigation measures scheme to ensure that the bankside hedgerow is maintained and that the remaining new boundaries be

enclosed by way of native species hedgerows and the inclusion of one or two fruit trees in order to break up the building's effect on the skyline as the nearest public right of way would be less than 270m away to the northwest.

#### **6.4 Drainage**

6.4.1 CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate. The proposal includes the provision of a sewage treatment plant to be sited within the application site and drainage field on the land beyond

6.4.2 The Council's Drainage Consultants are content that drainage matters can be suitably controlled through a pre-commencement planning condition on any approval issued.

#### **6.5 Contamination**

6.5.1 Core Strategy policy CS6 seeks to secure safe developments. The application site is in an area where old farm machinery and vehicles including tyres and equipment have been dumped as well as what appears to have been vehicle maintenance has also have taken place here. There is also evidence of fuel storage on the site. As a result there could be oil and fuel spills within the soil where the dwelling would be sited.

6.5.2 The Council's Regulatory Services Team is content that an investigation into potential contamination and the approval and implementation of any remediation required is a matter which can be dealt with satisfactorily by contaminated land conditions on any approval issued.

#### **6.6 Residential Amenity**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The application site would be sited to the north east of the highway on land that is adjacent to a farm holding known as Bourton Bank. The land is currently being partially used as a yard for the old farm machinery and for the storage of fuel oils as well as for the storage of silage. The site would be positioned some 29m from the existing cattle barn. This double range barn was extended under BR/07/0171 and houses cattle during the winter months with one barn being entirely open to the east. Between the agricultural building and the road side hedge is a narrow track of some 5.6m wide that is used by all farm vehicles to access the yard and fields beyond. The land to the north of the cattle barn is currently used for turning and parking of farm such as tractors for feeding of the livestock. There are also fuel containers, scrap vehicles and materials around this area and piled up next to the field. There is an amenity issue to consider with regard to any occupier being too close to existing farming practices such as the housing of cattle and machinery movements less than 30m away from the development, together with the access arrangement immediately adjacent to the farm buildings and the shared vehicular access.



6.6.2 The proposed site is currently owned by the applicant's father and is adjacent to land that is operated as a farmstead that is owned by the applicant's uncle. There is no indication that farming enterprise will cease. There is normally a separation distance of some 400m between any non-related domestic dwellings and the livestock building, but this would not be achieved here as there would only be 42m between the side of the barn and the front wall of the property (but 29m to the front garden boundary). Occupiers of any affordable dwelling here would have to put up with odours etc from the cattle housing. They would also have to endure farm vehicles manoeuvring beyond the dwelling and they will have to share the access track with these vehicles over which they have no control of. The proposal is not one for an agricultural workers dwelling associated with the farm and it is considered the relationship would adversely impact on the residential amenities of the occupiers of the proposed dwelling.

## 6.7 Ecology

6.7.1 Core Strategy policies CS6 and CS17, together with SAMDev Plann policy MD12 aim to protect and enhance the diversity, high quality and local character of Shropshire's environment and ensure no adverse impact on ecological assets, their immediate surroundings or their connecting corridors. The Council's Ecology Team is content that ecological interests would be safeguarded by conditions requiring the provision of bat and bird boxes, and the approval of any external lighting plan, together with informatives relating to nesting birds, wildlife protection during building works and landscaping.

## 6.8 Highway Safety

6.8.1 Core Strategy policy CS6 seeks to secure safe developments and the NPPF advises that decisions should take account of whether a safe and suitable access to the site can be achieved for all people.

6.8.2 Access to the dwelling would be via an enlarged existing vehicular access that is used for the farmstead. A large pair of steel panelled gates is sited just beyond the access onto the B4378. The proposal would only appear to affect part of this existing access where there is currently a fixed steel sheet with a letter box that is sited adjacent to the hedgerow. The access track would then run between the existing road side boundary and the large double range cattle building. It should be noted that this is a narrow width access which would also be shared with items of farm machinery. The access track is shown as having a width of approximately 4.2m and a single passing space 28m in from the entrance off the highway would also be provided. It is also likely that part of the north boundary with the road would need to be cut back to in order to achieve this access.

6.8.3 The Council's Highways Consultants have raised no objections to the proposal on highway safety grounds.

## 7.0 CONCLUSION

7.1 Notwithstanding the fact that the applicant has been able to demonstrate a housing need, strong local connections and a need to live in the local area in connection with his livelihood, the proposed part two storey/part single storey three bedroom dwelling and detached garage is not considered acceptable as a single plot exception site at Bourton Bank due to its remote location and not being part of a

named settlement being sited in the open countryside.

7.2 In addition, the proposed dwelling would be sited just beyond a working farmyard in a position remote from any other residential buildings and with a compromised vehicular access to the highway. The siting of a dwelling in close proximity to an operational livestock building on land that is not owned or controlled by the applicants and that has also been used for storing of waste fuel oils, scrap vehicles and machinery would not normally be considered appropriate for residential development even if the contaminated land could be restored as this would not overcome the objection of an affordable dwelling being sited so close to a working farmyard with its associated pollution issues caused by odour, dust, vermin, flies normally associated with agricultural uses.

## 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:  
National Planning Policy Framework  
National Planning Practice Guidance

Core Strategy and SAMDev Plan Policies:  
CS1 Strategic Approach  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD7a Managing Housing Development in the Countryside  
MD12 Natural Environment  
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan

SPD on the Type and Affordability of Housing

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 David Turner

**Informatives**

1. Despite the Council wishing to work with the applicant in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework, the proposed development is contrary to the policies set out in the Officer's report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

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Committee and date

South Planning Committee

13 March 2018

## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 18/00143/FUL	<b>Parish:</b>	Eardington
<b>Proposal:</b> Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings (revised scheme)		
<b>Site Address:</b> 9, 10, 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ		
<b>Applicant:</b> Mr & Mrs Turner		
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 373243 - 289493



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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 is proposed as an amendment specifically to address the Refusal Reason for the previous scheme Ref: 17/00298/FUL which was refused, contrary to the officer recommendation, at the South Planning Committee of 19<sup>th</sup> December 2017. The Reason for Refusal given was:

*'The proposed single story extension, by reason of its additional height in comparison with a wall or fence which could be erected on the southern property boundary line as 'permitted development', would have an overbearing impact on the adjoining neighbouring property (no.8) and would adversely affect the outlook from the ground floor accommodation of that neighbouring property. The proposal would therefore harm the residential amenity of the occupants of the neighbouring property, contrary to Shropshire Core Strategy policy CS6 and paragraph 17 of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.'*

1.2 The proposed internal provision and two storey extension to the north east facing side of the building remain as previously proposed. However, the flat roof single storey extension proposed across the south east facing front of the building spanning the full width of the cottages is now indicated to be set at a lower land level and with a reduced height. The ground level of the proposed extension is indicated to be set down from that of the existing building by approximately 0.6m, resulting in a height on the southern boundary with no. 8 of 2m. Three internal steps down would be required from the existing building into the extension and a clear 2m headroom could be achieved. The height of this extension as previously proposed was 2.5m.

1.3 The Structural Condition Survey Report by Geomitre Consultants Ltd dated 24<sup>th</sup> March 2016, and Ecological Appraisal by Salopian Consultancy dated 21<sup>st</sup> August 2017 have again been submitted in support of the proposal along with an updated Design and Access Statement.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The site falls within open countryside in the settlement of Lower Forge approximately 3km to the south east of the Market Town of Bridgnorth. It is accessed via an unclassified road from the B4555 to the west. Lower Forge is positioned on the west side of the River Severn set into the bank which slopes down to it. The settlement comprises mainly traditional properties of varying sizes including terraced cottages and large detached dwellings which are set either side of the road. Nos 9, 10 and 11 Lower Forge Cottages are on the north east side of a terrace which also contains nos. 5 – 8. The front elevations of the terrace face south east towards the river approximately 45m away, as the road is set closely to the north west side, in fact the corner of no. 11 at the end of the terrace is angled such to accommodate the road which it abuts. The space to the rear consists of a retaining wall preventing the steep bank up to the road from encroaching on the cottages. The amenity



space for the plots is therefore in the majority located between the front elevations and a vehicular track serving the terrace which is positioned along the bank of the river. The associated land for no. 11 is significantly larger as it is the end property with a span of approximately 20m to the adjacent dwelling at Coachmans Cottage owned by the applicants.

2.2 The cottages are constructed in mixed brick with a tiled roof and 3 no. chimneys of varying ages. Whilst the external structure appears solid the internal space has been gutted, some of the windows are missing and it is clear that the living accommodation was fairly basic. No. 11 is essentially one room up, one down internally and is not connected through to the other properties at ground floor level.

It has basically been used as storage space. The other two properties have a linear format where rooms are accessed through others and again appear to have had very limited internal space. Whilst in a poor state, the cottages can be said to have a traditional vernacular design and construction and relate to the historic use of the area.

2.3 No.9 is attached on its south west side to no. 8, a white painted cottage which has benefitted from a front porch and a two storey rear extension where it has more space between the north west facing rear elevation and the road than nos. 9, 10 and 11. No. 7 beyond also has a two storey rear extension and there are other front porches further along. The original completely linear format of the terrace has been permanently altered by these previous extensions to nos. 5 – 8. The front side boundary line between nos. 9 and 8 is defined by hedging, otherwise there the land on this side of the terrace is fairly open. There is a further terrace of cottages

approximately 11m to the west containing nos. 1 – 4, and a neighbouring dwelling across the road approximately 32m to the north. All these properties are set at a higher level as they are further up the bank.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Amended proposal for an application previously considered and Refused at the relevant Planning Committee, and agreed to be again referred to the relevant Planning Committee by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

### 4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Eardington Parish Council - The Members of Eardington Parish Council have been consulted on the revised scheme for the reconfiguration and upgrade of cottages at Lower Forge, Eardington, but are unable to see any significant difference to the original drawings. Therefore, the comments made on the previous application remain i.e. the Parish Council strongly objects to the proposals and requests that the application be determined by the Planning Committee if the Case Officer is minded to grant approval.

4.1.2 SC Conservation - Having assessed the scheme now proposed it is considered that it is an improvement in terms of the impact upon the character of the buildings.

4.1.3 SC Ecology - An Extended Phase 1 Survey was carried out on this site in April

2017 by Salopian Consultancy. This was followed by bat activity surveys between May and July 2017. Conditions and informatives are recommended in relation to the Survey content. Additionally, a European Protected Species 3 Tests Matrix must be included in the Planning Officer's Report and discussed/minuted at any Committee at which the application is considered.

4.1.4 SC Drainage – Informative recommended in relation to designing a sustainable drainage scheme for the disposal of surface water from the development.

4.2 - Public Comments

4.2.1 Site notice erected on 9<sup>th</sup> February 2018. One public representation received from Alan Reade of Reade, Buray Associates on behalf of the neighbour at no. 8 Lower Forge Cottages, objecting to the proposal. This is available to view in full on file, however is summarised as follows:

- o Wish to repeat the representations against 17/00298/FUL dated 15<sup>th</sup> February 2017 and 5<sup>th</sup> June 2017.
- o The lowering of the proposed frontal extension does not change the nature or substance of earlier proposals for these Non Listed Heritage Assets visible from the adjacent Severn Way long distance footpath.
- o The lowered floor levels would require excavations for new foundations that will potentially disturb and/or undermine the shallow foundations to the front wall of no. 8 and the party wall between nos. 8 and 9.
- o Any necessary destabilization or structural damage and/or any underpinning work to no.8 is likely to permanently devalue the property.
- o The frontal extension to no.9 should be removed to a minimum distance of 1.6m from the boundary between nos. 8 and 9.

## 5.0 THE MAIN ISSUES

- o Whether this revised scheme addresses the previous Refusal reason.
- o Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Whether this revised scheme addresses the previous Refusal reason.

6.1.1 For the scheme considered by the South Planning Committee on 19<sup>th</sup> December 2017 under Planning Ref: 17/00298/FUL, the only issue reported in the minutes is the likely impact of the proposal on neighbouring properties. Discussions focussed on the potential impact of the proposed single storey extension on the boundary line shared with no. 8 Lower Forge Cottages and cumulated in the Refusal Reason reproduced in paragraph 1.1 above. The refusal reason set out the particular aspect of the proposed works which the Committee considered would be harmful to the residential amenities of the adjacent dwelling: The debate cumulated in the Refusal Reason reproduced in paragraph 1.1 above. The Committee was content with the changes to the fenestration of the proposed development that were made following the deferral of the application to seek design amendments at the 24<sup>th</sup> October 2017 meeting.

6.1.2 The single storey extension now proposed is indicated to be a maximum of 2m in

height adjacent to that boundary with no. 8. A wall of up to 2m in height could be erected along this boundary without the need to first obtain Planning Permission i.e. such work could be carried out under Permitted Development Rights. Therefore the current proposal demonstrates that the proposed single storey extension can be satisfactorily achieved without the additional height which was previously considered to *'have an overbearing impact on the adjoining neighbouring property (no. 8)'*. The granting of Planning Permission in this case would therefore no more *'harm the residential amenity of the occupants of the neighbouring property'*, than could result from any boundary structures which could be erected outside the control of the Local Planning Authority.

- 6.1.3 Furthermore, the stepping down of the proposed single storey extension enables the front elevation of the cottages to be read more clearly resulting in some visual improvement on the previous scheme. As noted at paragraph 6.3.5 of the Committee Report for Planning Ref: 17/00298/FUL, there is a balance to be achieved between ensuring that the building can be brought back into a use viable for both the rural community and for the developer, and doing so in a way which secures high quality design and good standard of amenity for all future occupants of the building in a sustainable manner. The cottages are not Listed nor are they within a Conservation Area and whilst they are regarded as Non Designated Heritage Assets, the character of the terrace as a whole has already been affected by previous extensions, some of which are substantial two storey additions, on the cottages at nos. 5 – 8. It is considered that the proposals would achieve an acceptable balance.

## 6.2 Other Matters

- 6.2.1 There has been no material change in planning circumstances since the December 2017 decision in respect of the proposed development an affordable housing, ecology and access. An affordable housing contribution would not be required in this case having regard to the Government Written Ministerial Statement with regard to such contributions and small housing schemes; the Council's Ecology Team remain of the view that the EPS 3 Tests Matrix which forms part of this report and the conditions and informatives set out in Appendix 1 would appropriately manage the potential for European Protected Species at the site; and whilst vehicular activity on the track which serves all the cottages in the terrace would be likely to increase with the two additional dwellings in comparison to the existing situation, these movements would not be detrimental to highway safety.

## 7.0 CONCLUSION

- 7.1 It is considered that this proposal has fully addressed the Refusal Reason applied to the previous Planning Application Ref: 17/00298/FUL.
- 7.2 The proposal would not be contrary to adopted policies as it would be an appropriate division of and extension to a building to form three smaller dwellings resulting in a more sustainable form of development in the countryside. The plans as amended have achieved a balance between ensuring that the building can be brought back into use and securing a high quality design and good standards of amenity for all future occupants of the building. By its scale and design the proposed scheme would respect the character of this previously altered traditional terrace and the context of the site without adversely impacting on the residential amenities of neighbouring dwelling. Any potential for European Protected Species

at the site can be satisfactorily managed as set out in the ecological appraisal and by condition. The same conditions, informatives and EPS 3 Tests Matrix proposed for Planning Ref: 17/00298/FUL would be attached to an approval as they remain fully relevant.

## 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:  
National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies:  
CS1 Strategic Approach  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing

### RELEVANT PLANNING HISTORY:

17/00298/FUL - Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings. Refused 22nd December 2017.  
BR/78/0418 – The installation of a septic tank to serve a single dwelling at 9 and 10 Lower Forge. Granted 14<sup>th</sup> August 1978.

11. Additional Information

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

- Design and Access Statement dated January 2018.
- Structural Condition Survey Report by Geomitre Consultants Ltd dated 24<sup>th</sup> March 2016.
- Ecological Appraisal by Salopian Consultancy received on 9<sup>th</sup> January 2018.

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – EPS 3 Tests Matrix

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

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.

3. Samples of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

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

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

5. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

6. No development shall take place until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

7. 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 (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) 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. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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



- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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:

- 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 Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

10. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local

Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the area.

11. Prior to first occupation/use of the buildings, 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 sparrows, starlings, swifts and/or small birds 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 (under eaves of a building if possible) 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.

12. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

## **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

13. All demolition, development and biodiversity enhancements shall occur strictly in accordance with Section 3 of the Ecological Appraisal (Salopian Consultancy, received on 9th January 2018), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

14. No construction and/or demolition works shall take place before 09:00 hrs on weekdays and Saturdays, nor after 17:00 hrs on weekdays and 13:00 hrs. on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

15. No further windows or other openings shall be formed in any elevation of the extensions other than those hereby approved.

Reason: To preserve the amenity and privacy of adjoining properties.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A, B, C, D or G shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities.

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

5. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season for reptiles (approximately 31st March to 15th October) when the weather is warm. Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

6. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by 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 close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

7. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: [www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-managementstrategy/](http://www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-managementstrategy/).

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

8. The application proposes access over a route that is recorded as public footpath no 17A. Please ensure that the following criteria is adhered to:

- 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.

9. You are advised that this application proposes access over a route that is recorded as public footpath no 17A and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of Planning Permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles.

10. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies:  
CS1 Strategic Approach  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing

11. 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.

## Appendix 2

### EUROPEAN PROTECTED SPECIES: The 'three tests'

#### Application reference number, site name and description:

18/00143/FUL  
9, 10, 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ  
Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings (revised scheme)

#### Date:

13th February 2018

#### Officer:

Sophie Milburn  
Assistant Biodiversity Officer  
sophie.milburn@shropshire.gov.uk  
Tel.: 01743 254765

#### Test 1:

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

The building is a deteriorated set of cottages of some historic merit. The reinstatement of its residential use and the preservation of the building is therefore in the public interest by providing high quality accommodation within a Non-Designated Heritage asset. The preservation of the property can only be assured by restoring it to its functional use to warrant its continued upkeep. Additionally, the proposal would help to address the requirement for smaller residential units within the rural area.

#### Test 2:

Is there '**no satisfactory alternative?**'

No, the alternative is for no maintenance or extension work to be carried out on the building leaving it to deteriorate and potentially harm the character and appearance of the surrounding rural environment. A high quality refurbishment with mitigation, compensation and enhancement measures for the bats is preferred.

**Test 3:**

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

Bat surveys between May and July 2017 identified an individual lesser horseshoe day roost and feeding perch and two soprano pipistrelle day roosts.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be converted.

Section 3 of the Ecological Appraisal (Salopian Consultancy, n.d.) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- An Ecological Clerk of Works (ECW) will oversee the works.
- The ECW will carry out a pre-commencement walkover.
- The ECW will provide a toolbox talk to site workers.
- Two Schwegler 2F bat boxes 'will be erected on the southern eastern face of the brick shed to ensure place of refuge ... throughout the construction period.'
- Demolition will take place between October and March when bats are least likely to be present.
- 'Works on the building in areas highlighted as having the potential to support Bats, will occur under the direct supervision of the ECW. These works will be undertaken following four consecutive nights and days above 5°C.'
- If a bat is found at any stage, works will halt and the ECW will be informed. 'The Bat(s) will either be allowed to disperse naturally or the ECW will carefully lift the Bat in gloved hands and carefully place it into a Bat box or suitably dark place on the site.'
- A lesser horseshoe roost will be created 'within a stand alone structure separate to the proposed re-built.' 'The brick shed ... would provide a suitable replacement night perch/day roost for this species.'
- Crevices will be created under roofing tiles, under ridge tiles and 'under the gables onto the wall plate using ... beneath sections of barge board/soffit.'
- Integrated bat boxes will be installed on 'the east gable end and northern aspect of the proposed cottages.
- Bituminous roofing felt will be used 'to avoid the risk associated with spun-bond filaments in modern roofing membranes which are well document as causing entrapment and death of bats.'
- 'Lighting around the site will be on a short timed setting and down lighting to avoid disturbing [bats] and retain dark corridors for [bats] to forage and commute through the surrounding landscape.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of lesser horseshoes and soprano pipistrelles at a favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 13th February 2018) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;

- European Protected Species Licence; and
- Lighting plan.





Committee and date

South Planning Committee

13 March 2018

## Development Management Report

### SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 13 MARCH 2018

<b>LPA reference</b>	17/01000/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	M Baines
<b>Proposal</b>	Outline application for the erection of a dwelling (to include Access and Layout)
<b>Location</b>	Haughton Grange Haughton Village Shifnal Shropshire TF11 8HR
<b>Date of appeal</b>	20.11.2017
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	16.01.2018
<b>Date of appeal decision</b>	06.02.2018
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	16/04704/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms A Sykes
<b>Proposal</b>	Erection of replacement dwelling following demolition of existing
<b>Location</b>	The Walls Chesterton Bridgnorth
<b>Date of appeal</b>	20.11.2017
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	16.01.2018
<b>Date of appeal decision</b>	07.02.2018
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	16/05421/CPL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr C Nedic – Lakeside Country Park
<b>Proposal</b>	Application for Lawful Development Certificate for the proposed siting of additional caravans for the purposes of human habitation as a person's sole or main place of residence
<b>Location</b>	Proposed Caravan Site To The West Of Cleobury Mortimer Golf Club Wyre Common Cleobury Mortimer Shropshire
<b>Date of appeal</b>	13.9.17
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	8.1.18
<b>Date of appeal decision</b>	8.2.18
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	17/02019/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Mark Meadows
<b>Proposal</b>	Erection of single storey side extension
<b>Location</b>	Oak Fields Quatford Bridgnorth Shropshire WV15 6QJ
<b>Date of appeal</b>	9.1.18
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	31.1.18
<b>Date of appeal decision</b>	15.2.18
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	17/01250/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs B Perry
<b>Proposal</b>	Erection of 4 No dwellings with vehicular access and parking
<b>Location</b>	Land Opposite Village Hall Hopton Wafers Shropshire
<b>Date of appeal</b>	30.11.17
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	15.02.18
<b>Costs awarded</b>	Refused
<b>Appeal decision</b>	Dismissed

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## Appeal Decision

Site visit made on 16 January 2018

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

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

**Decision date: 6<sup>th</sup> February 2018**

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**Appeal Ref: APP/L3245/W/17/3183672**

**Haughton Grange, Priorslee Road, Haughton, Shifnal TF11 8HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr M Baines against the decision of Shropshire Council.
  - The application Ref: 17/01000/OUT, dated 1 March 2017, was refused by notice dated 19 July 2017.
  - The development proposed is a single dwelling with associated access.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline, with only access and layout to be determined at this stage. This is the basis upon which this appeal has been determined.
3. The Council concluded against only part of the development plan when the application was originally determined and failed to consider the *Shifnal Neighbourhood Plan 2014-2026 2016* (NP). However, the relevant policies have been drawn to my attention in the Council's statement and will be considered, insofar as they may be relevant, in the determination of this appeal.

### Main Issues

4. As the appeal site is within the Green Belt the main issues are:
  - whether the proposal is inappropriate development for the purposes of the development plan and the National Planning Policy Framework 2012 (the Framework);
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, 'Haughton Grange', and the extent to which it would preserve or enhance the character or appearance of the Haughton Conservation Area; and
  - if the proposal is inappropriate development, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly

outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### **Reasons**

5. The appeal site is a narrow strip of garden land within the curtilage of a listed building that abuts the boundary of a neighbouring property, Little Orchard. A brick retaining wall separates the site from Haughton Road which is at a lower ground level. The proposed dwelling would be set back with its front elevation aligned with the building line of the neighbouring property. Part of the wall would be removed to create a vehicular access to the site.

#### *Whether inappropriate*

6. Policy CS5 of the *Shropshire LDF Core Strategy 2011* (CS) advises that all development in the Green Belt will be strictly controlled in accordance with national planning policies. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. One of the exceptions is limited 'infilling' in villages. 'Infilling' is not defined in the Framework, however, it is commonly held to be the filling of a gap in an otherwise built-up area.
7. The appeal site is located in a hamlet that is not within the development plan settlement hierarchy. Whilst it is in close proximity to Shifnal, I observed that the appeal site is not within a built-up area and has agricultural land in close proximity to its northern and southern boundaries. The hamlet has an open, dispersed quality with the houses loosely arranged along the road for a short distance with no discernible centre. As such, I do not consider that the site is located in a village or otherwise built-up area and the proposal cannot therefore be described as being a form of infill development.
8. As the development would not conform to any of the specified exceptions, I can find no support for the proposal in paragraph 89 of the Framework or relevant policies of the development plan. Bearing in mind that it is not one of the other forms of development specified in paragraph 90, I therefore find that the proposal would amount to inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.

#### *Openness*

9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. It follows that openness is defined by an absence of buildings or other forms of development. The construction of a dwelling on a previously open site and the ancillary domestic use of its curtilage would therefore harm the openness of the Green Belt.
10. The appellant is of the opinion that the proposal would not harm any of the five purposes of the Green Belt as set out in paragraph 80 of the Framework and I agree with that view. However, that does not mean that the development would not harm openness, this is merely a neutral factor in the consideration of this appeal. Moreover, the fundamental aim of Green Belt policy is to keep land permanently open and this would clearly not be the case in this particular instance.

11. The Framework advises that substantial weight should be attached to any harm to the Green Belt. I have attached such weight in this instance because of the harm that would be caused to the Green Belt by reason of the inappropriateness of the proposal and the loss of openness.

*Character and appearance*

12. The Haughton Conservation Area (CA) encompasses the small hamlet of Haughton and includes Wesley Brook which forms part of its southern boundary. The hamlet has a strong rural character with frequent views of the open countryside and a verdant appearance. This arises from the semi-natural vegetation that flanks the brook as well as the mature vegetation that is present in its generous gardens. Its buildings are generally large and set back from the road behind coursed stone rubble and brick boundary walls. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with its loosely arranged dwellings, distinctive boundary walls and mature trees.
13. Haughton Grange (Ref: 1367619) was listed in 1984 and dates from the 17<sup>th</sup> century with mid-19<sup>th</sup> century remodelling and later additions. It is a timber-framed building with brick infill set within extensive grounds. Its setting is characterised by mature vegetation and a strongly rural aspect with open agricultural land clearly visible beyond the northern garden boundary. The heritage assessment indicates that it was a high status dwelling, most likely belonging to a gentleman farmer. It goes on to note that the setting is closely associated with its historical progression as a minor country house in self-contained grounds and I agree with that view. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the spacious, verdant character of its grounds.
14. I observed from my site visit and the plans that the proposed dwelling would undermine the generally open pattern of development within the CA because the proposed dwelling would extend across the full plot width, thus introducing an incongruent form of development better suited to a high density, urban context. The pattern of enclosure and sense of privacy would also be affected through the formation of another driveway which would have a high degree of prominence given the differences in ground level between the appeal site and Haughton Road. Furthermore, one of the key historical features of the Grange would be eroded through the loss of part of its grounds. As only layout and access are to be determined at this stage there is insufficient information before me to determine potential impacts arising from the scale or appearance of the proposed dwelling.
15. The appellant accepts that there would be an impact on the setting of the Grange but is of the opinion that that a sympathetic approach to the scale and appearance of the proposed dwelling would mitigate this impact in conjunction with appropriate landscaping to provide screening. However, these matters are all reserved and the effectiveness of any such mitigation lacks any substantiated basis at the current time. Despite the fact that a heritage assessment has been provided, the outline application lacks sufficient detail to understand the full impact and consequently any mitigation that might otherwise make it acceptable. Not only does this relate to the setting of the listed building but also the significance of the CA. Moreover, any landscaping

that might screen the proposed development can be removed or die of natural causes at any time in the absence of a planning obligation.

16. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
17. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the size and location of the curtilage that would be lost, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Whilst the sustainable location and provision of a single dwelling could be considered benefits I do not find that these would outweigh the harm that would be caused.
18. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building and the character and appearance of the Haughton Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policy HG1 of the NP, policy CS17 of the CS and policy MD13 of the *Site Allocations and Management of Development Plan 2015* (SAMDev). They seek, among other things, to ensure that development is in keeping with local character, protects the historic environment and avoids harm or loss of significance to designated heritage assets and their settings. As a result, the proposal would not be in accordance with the development plan.

#### *Other considerations*

19. Whilst not a sustainable form of development, given the harm that would be caused to the historic environment, I accept that it would be in a sustainable location given its proximity of Shifnal. Consequently, I give this matter limited weight in favour of the development.
20. The appellant is of the opinion that the proposal would be beneficial because it would provide a high quality, family home that would contribute to local housing land supply. However, the Council has an undisputed 6.04 year housing land supply and a single dwelling would not, in any event, make a significant contribution. Consequently, I give this matter little weight in favour of the development.

#### *Overall balance*

21. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the harm that this would cause to openness. On the other



hand the dwelling would be in a sustainable location and make an, albeit, small contribution to housing. However, on balance, I consider that the factors in favour of the proposal do not clearly outweigh the harm that would be caused to the Green Belt.

### **Conclusion**

22. Having considered all the matters in support of the proposal, I conclude that, collectively, they do not clearly outweigh the totality of harm and consequently very special circumstances do not exist to justify the development. Accordingly, the proposal would be inconsistent with the advice in the Framework. Additionally, the proposal would also conflict with policy CS5 of the CS, policy MD6 of the SAMDev and policy SL1 of the NP. The last two policies seek, among other things, to ensure that all development within the Green Belt complies with the development plan and national policy as well as being located in identified Community Hubs or Clusters or on previously development land.
23. For the above reasons and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR

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## Appeal Decision

Site visit made on 16 January 2018

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

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

**Decision date: 7<sup>th</sup> February 2018**

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**Appeal Ref: APP/L3245/W/17/3185462**

**The Walls, Chesterton, Bridgenorth, Shropshire WV15 5NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms A Sykes against the decision of Shropshire Council.
  - The application Ref: 16/04704/FUL, dated 12 October 2016, was refused by notice dated 12 June 2017.
  - The development proposed is the demolition of an existing dwelling and the building of a new dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. As the appeal site is within the Green Belt the main issues are:
  - whether the proposal is inappropriate development for the purposes of the development plan and National Planning Policy Framework 2012 (the Framework);
  - the effect of the proposal on the openness of the Green Belt;
  - whether a larger replacement dwelling is justified; and
  - if the proposal is inappropriate development, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### Reasons

3. The appeal site lies to the south of the small village of Chesterton in the open countryside. The existing house occupies a prominent, elevated position and is clearly visible from a road which forms the southern approach to the village. The existing dwelling is a single storey, pre-fabricated house with low eaves and two steep gables either side of a central living area. A small conservatory projects from one of the side elevations and a detached double garage is situated to the rear. The proposal comprises a two storey, replacement dwelling which would increase the footprint of the existing house from approximately 112 m<sup>2</sup> to 130 m<sup>2</sup>.

### *Whether inappropriate*

4. Policy CS5 of the *Shropshire LDF Core Strategy 2011* (CS) advises that all development in the Green Belt will be strictly controlled in accordance with national planning policies. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. One of the exceptions is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
5. Whilst the footprint would only be subject to a modest increase, the volume of the building would change more markedly given the incorporation of an extra storey and the replacement of an insubstantial, conservatory structure. More specifically, the greater length and more solid, rectangular form of the front and rear elevations as well as the added bulk of the projecting dormers would result in a materially larger building that would contrast significantly with the more diminutive proportions of the existing house.
6. As the development would not conform to any of the specified exceptions, I can find no support for the proposal in paragraph 89 of the Framework or relevant policies of the development plan. Bearing in mind that it is not one of the other forms of development specified in paragraph 90, I therefore find that the proposal would amount to inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.

### *Openness*

7. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. It follows that openness is defined by an absence of buildings or other forms of development. Openness has a visual and spatial dimension. Whilst the footprint of the replacement dwelling would be similar, its volume would be considerably greater thus altering the spatial characteristics of the original dwelling.
8. Given the prominent position of the appeal site this would be also be experienced visually through an increase in the massing of the replacement dwelling. In both spatial and visual terms the proposal would lead to a reduction in openness that would not be mitigated by the modest increase in the height of the ridge line or the repositioning of the replacement dwelling towards the rear of the plot.
9. The Framework advises that substantial weight should be attached to any harm to the Green Belt. I have attached such weight in this instance because of the harm that would be caused to the Green Belt by reason of the inappropriateness of the proposal and the loss of openness.

### *Development in the countryside*

10. There are two development plan policies which are principally related to the management of development in the open countryside. These are policy CS5 of the CS and policy MD7a of the *Site Allocations and Management of Development Plan 2015* (SAMDev). They set out the circumstances in which development is acceptable. The first supports the replacement of suitably located buildings either for small scale economic development or employment

generating use. The second seeks to ensure that development outside the designated settlements is strictly controlled and directly related to meeting, among other things, evidenced local housing needs. It also places restrictions on the size of single plot, exception dwellings in order to protect the long term affordability of rural dwellings.

11. I note from the plans that the proposal would lead to the replacement of a modest two bedroom dwelling with a considerably larger, four bedroom dwelling with a study that could be converted to a further bedroom. Bearing in mind the scenic beauty of the location with long distance views over the rolling landscape, I have little doubt that the proposed dwelling would command a significant open market value in comparison to the existing dwelling. Consequently, this would harm the long term affordability of a dwelling at this location.
12. I acknowledge the appellant's desire to be close to her parents and assist with the management of their land and animals. I also note the need for larger family accommodation. However, I have no substantiated evidence before me to suggest that more suitable dwellings are unavailable in the local area or that the appellant is an essential rural worker. Furthermore, no attempt has been made to satisfy the financial and functional tests set out in policy MD7a nor do I have any indication of how the replacement dwelling would support the rural economy or meet an objectively defined, local housing need.
13. Given the above, I conclude that a larger replacement dwelling is not justified at this location contrary to policy CS5 of the CS and policy MD7a of the SAMDev. The proposal would not, therefore, be in accordance with the development plan. It would also not be consistent with adopted guidance<sup>1</sup> on housing type and affordability.

#### *Other considerations*

14. The appellant is of the opinion that the building is poorly insulated and in need of replacement. I accept the insubstantial nature of the building and the need to replace it with a dwelling that conforms to modern building standards. This would not only improve living conditions but also help to mitigate climate change impacts. Consequently, I give this matter moderate weight in favour of the development.
15. The appellant has drawn my attention to the deteriorating fabric of the building which includes asbestos. Whilst it is contended that this is hazardous, this has not been substantiated with any robust technical evidence. Consequently, I give this matter limited weight in favour of the development.
16. I acknowledge the assertion that the appellant and her husband have become established members of the local community. However, this has not been more widely established through letters of support at the application and appeal stages beyond comments made by a family member. Consequently, I give this matter limited weight in favour of the development.

#### *Overall balance*

17. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential

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<sup>1</sup> Type and Affordability of Housing Supplementary Planning Document. September 2012.

harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the harm that this would cause to openness. On the other hand it would improve the living conditions of the existing occupants and help to mitigate the impacts of climate change through improved insulation. The removal of asbestos and the social benefits to the local community would also be beneficial to an, albeit, more limited extent. However, on balance, I consider that the factors in favour of the proposal do not clearly outweigh the harm that would be caused to the Green Belt.

### **Other Matters**

18. The appellant is of the opinion that informal advice supported the construction of a larger dwelling and that an indication was given that more time would be available to modify the proposal. However, advice is just that and the Council is entitled to reach a different decision on the basis of the available evidence. Moreover, whether a Council chooses to extend a deadline is an internal matter and not relevant to the planning merits of an appeal made under section 78 of the Town and Country Planning Act 1990 (as amended).
19. I note the development on the other side of the B4176 that has been brought to my attention. Whilst there may be some similarities, I do not have the full facts before me and thus no indication that the planning merits are the same in all respects. In any event, all cases must be determined on their individual merits.
20. I also note the absence of objection and the informal support for the development amongst local residents that has been brought to my attention. However, a lack of objection does not indicate a lack of harm, merely that such harm has not been identified. Furthermore, any informal support that may be present carries little weight as it is unsubstantiated given its informal nature.

### **Conclusion**

21. Having considered all the matters in support of the proposal, I conclude that, collectively, they do not clearly outweigh the totality of harm and consequently very special circumstances do not exist to justify the development. Accordingly, the proposal would be inconsistent with the advice in the Framework.
22. For the above reasons and having regard to all other matters raised, I conclude that, on balance, the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR



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## Appeal Decision

Site visit made on 8 January 2018

**by Andrew Hammond MSc MA CEng MIET MRTPI**

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

**Decision date: 08 February 2018**

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**Appeal Ref: APP/L3245/X/17/3175889**

**Cleobury Mortimer Golf Club, Wyre Common, Cleobury Mortimer DY14 8HQ**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Lakeside Country Park against the decision of Shropshire Council.
  - The application Ref 16/05421/CPL, dated 24 November 2016, was refused by notice dated 8 March 2017.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is the siting of additional caravans for the purposes of human habitation as a person's sole or main place of residence.
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### Decision

1. The appeal is dismissed.

### Reasons

2. Planning permission 13/01584/COU for "Change of use of western area driving range/practice area for siting of additional holiday chalets" at Cleobury Mortimer Golf Club was granted on 17 July 2013 and the Council acknowledge that it has been implemented. There were a total of 13 conditions attached to the permission.
3. There is no dispute between the parties that the reference to "chalets" in the application related to caravans as defined in the Caravan Sites and Control of Development Act 1960 as amended by the Caravan Sites 1968. Condition 5 specifically requires that the [approved] chalets meet that definition.
4. The appellant contends that the permission is for change of use of the land to use as a caravan site and that the conditions attached to the permission do not limit the number of caravans on the site nor do they stipulate that the occupation of any additional caravans should be limited to occupation for holiday purposes. Hence the application sought an LDC for additional caravans for the purposes of human habitation as a person's sole or main place of residence.
5. The appellant is correct in stating that there is no condition attached to the permission which specifically limits the number of caravans/chalets on the site to 19 as envisaged in the application. In the absence of any other limitation on

- numbers, imposed by condition, it would be correct to state that there would be no limit on the number of caravans sited upon the caravan site as approved by the planning permission.
6. Furthermore, the appellant suggests that Condition 4, which reads "The holiday chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence. The owners/operators shall maintain an up-to-date register of the owners/occupiers of individual chalets on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.", only applies to the 19 chalets and not to any additional caravans.
  7. Condition 3 reads "The holiday chalets shall be sited in the positions shown on drawing number CM102.SK4 Rev B, received by the Local Planning Authority on 18<sup>th</sup> June 2013, and no alterations shall subsequently be made without the prior written approval of the Local Planning Authority.
  8. Planning conditions fall to be construed in the context of the planning permission as a whole in a common sense way and in conjunction with the reasons given for their imposition. The reason given for Condition 3 is "In the interests of the visual amenities of the area."
  9. A reasonable reader would construe Condition 3 as requiring the use to be carried out subject to the constraints of the approved layout, including limiting the number of additional caravans/chalets to those shown on the approved plan, namely 19. The intent of the condition clearly was and is for that to be an ongoing requirement. I find that to be the clear purpose and meaning of that condition. Given the ongoing requirement of the condition, the permission as a whole cannot be read to mean that once the development has been implemented in accordance with the approved plans that the layout does not need to be retained or that additional development is lawful.
  10. It follows that the siting of caravans, either beyond the 19 shown or located other than as shown, would not be lawful.
  11. With regard to occupancy of any additional caravan, given the conclusion above it is not necessary to consider further the interpretation or scope of Condition 4.
  12. The appellant has cited High Court Judgements "I'm Your Man"<sup>1</sup> and "Cotswold Grange"<sup>2</sup> in support of the appeal.
  13. "I'm Your Man" established that there is no power for an implied limitation in the description of a planning permission. There is no suggestion by the Council that there is an implied limitation in the description as opposed to a specific condition.
  14. In "Cotswold Grange" again there was no condition limiting the number of caravans. A condition stipulating that caravans only be used for holiday purposes did not refer to 54 caravans or to any caravans on the site. The proposal for an additional 6 caravans was found not to represent a material

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<sup>1</sup> I'm Your Man Limited v Secretary of State for the Environment [1999] PLCR 109

<sup>2</sup> Cotswold Grange Country Park LLP v Secretary of State for Communities and Local Government and Tewkesbury Borough Council [2014] EWHC 1138 9Admin)



change of use. In the current case there is a condition, Condition 3, which stipulates that the layout, of 19 chalets, shall be retained.

15. Therefore neither of the cited judgements supports the appellant's case.
16. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the siting of additional caravans for the purposes of human habitation as a person's sole or main place of residence at Cleobury Mortimer Golf Club, Wyre Common, Cleobury Mortimer DY14 8HQ was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*Andrew Hammond*

Inspector

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## Appeal Decision

Site visit made on 31 January 2018

**by A A Phillips BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 15 February 2018**

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**Appeal Ref: APP/L3245/D/17/3185124**

**Oakfields, Quatford, Bridgnorth WV15 6QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Meadows against the decision of Shropshire Council.
  - The application Ref 17/02019, dated 5 April 2017, was refused by notice dated 23 August 2017.
  - The development proposed is a single storey side extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is within the Green Belt and therefore the main issues are:
  - i. Whether the proposal would be inappropriate development for the purposes of the development plan and the National Planning Policy Framework (the Framework);
  - ii. The effect of the proposal on the openness of the Green Belt;
  - iii. Whether the proposal would preserve or enhance the character or appearance of the Conservation Area; and
  - iv. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### Reasons

3. The appeal property is a single storey detached residential property which is situated within the Green Belt which washes over Quatford. It is also within the Quatford Conservation Area. Properties in the locality are loosely distributed around the surrounding landscape. I observed at my site visit that properties in the area are varied with a range of designs and materials.

#### *Inappropriate development*

4. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy March 2011 (the CS) relates to the countryside and Green Belt and states that within the Green Belt there will be additional control over new development in line with government guidance set out in PPG2. Although PPG2

has been superseded by the National Planning Policy Framework (the Framework) it is clear to me that the Green Belt affords specific protection against inappropriate development. Under Policy MD6 of the Shropshire Council Site Allocations and Development (SAMDev) Plan Adopted Plan 17 December 2015 development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt.

5. Within the Green Belt there is a presumption against inappropriate development except in very special circumstances. One of the main aims of the Green Belt is to prevent urban sprawl by keeping land open. The Framework establishes that new buildings within the Green Belt are inappropriate unless, among other things, it involves the extension or alteration of a building. This is provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Framework advises that the term 'original building' means a building as it was on 1 July 1948 or, if constructed after that date, as it was originally built. Consequently, this forms the starting point for an assessment. It is my understanding from the evidence before me and my own observations on site that the property has been previously extended, including a gable section to the west side of the front entrance and a front porch gable. Consequently, the property has almost doubled in its footprint from the original property. The addition of a further extension of approximately 36 square metres would result in an overall increase in footprint from the original property of approximately 168 per cent.
7. Whilst the extension currently proposed may be seen as relatively modest when considered in isolation, I am in no doubt that the cumulative increase in the size, over and above that of the original building, would be so great that it falls to be considered as disproportionate. As a consequence, I find that the proposed extension would comprise inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and contrary to Policy CS5 of the CS, Policy MD6 of the SAMDev and the Framework.

### *Openness*

8. The appellant argues that the construction of a single storey side extension would be a modest operation, that the openness of the area would not be undermined and because the development would be with a residential curtilage it would not encroach into the countryside or lead to urban sprawl.
9. I do not dispute that the extension would be situated in the existing domestic curtilage which is indeed well defined. However, openness is an essential characteristic of the Green Belt. By increasing the footprint and massing of the building, the proposal would reduce its openness to some extent. I am mindful that visual impact is implicitly part of the concept of openness and note, in this regard, that notwithstanding the fact that it would be seen against the gable end of the host property and that the site has been domesticated over time, the proposed extension would, as a consequence of its position, clearly be noticeable from parts of the surrounding countryside, particularly from open land to the south and south east and thus would be experienced visually.
10. As such I conclude that the proposal would detract from the openness of the Green Belt, albeit the effect would be limited by the character of the site and its domestic appearance and character.

### *Character and appearance*

11. The site is within the Quatford Conservation Area and in considering this issue it is therefore necessary in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (the Framework) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
12. Policy CS6 of the CS requires development to be designed to a high quality and Policy CS17 seeks to ensure that development will protect the character and quality of Shropshire's natural environment and historic resources, among other objectives. Furthermore, Policy MD2 of the SAMDev which relates to sustainable design states that for a development proposal to be considered acceptable it is required to respect existing amenity value by responding to the form and layout of existing layout, among other objectives. Policy MD13 relates to the historic environment and heritage assets will be protected and conserved by ensuring proposals avoid harming them.
13. As identified above I do not consider the extension would be a proportionate increase in the size of the host property, but rather it would increase the size of the existing building by approximately 36 per cent. Although the materials would match the existing property and it would incorporate a matching roof design it would materially alter the overall shape of the property which was a simple form and design to a far more elongated and linear structure. As well as changing the form of the building the extension would cover the existing gable end chimney which is an attractive feature of the property.
14. Therefore, the proposal would be harmful to the overall character and appearance of the original property. However, given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the Framework I must weigh the harm against the public benefits of the proposal.
15. The appellant has not clearly demonstrated specific benefits that may arise from the development. It is argued that the proposal would improve the efficiency of the use of the land and I recognise that there may be some small economic and social benefits associated with construction activity and the provision of a larger dwelling to improve the quality of accommodation for the existing residents. However, these do not in my judgment outweigh the harm that I have found.
16. As such I conclude on this issue that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area and would therefore conflict with Policies CS6 and CS17 of the CS, Policies MD2 and MD13 of SAMDev and the Framework.

### **Conclusions**

17. The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. To be added to that harm is the harm to openness that I have identified and the harm to the character and appearance of the area. Paragraph 88 of the Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist, unless the harm by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations. I have considered the other considerations put forward but they do not carry positive weight. I am not persuaded therefore, that the very special circumstances necessary to justify the proposal exist in this case. Accordingly, for the reasons set out above, I conclude on balance that the appeal should not succeed.

*Alastair Phillips*

INSPECTOR



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## Appeal Decision

Site visit made on 31 January 2018

by **A A Phillips BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2018

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**Appeal Ref: APP/L3245/W/17/3187051**

**Land Opposite Village Hall, Hopton Wafers, Kidderminster, Worcestershire DY14 0NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Brian Perry against the decision of Shropshire Council.
  - The application Ref 17/01250.FUL, dated 14 March 2017, was refused by notice dated 22 September 2017.
  - The development proposed is 4 No detached dwellings, vehicular access and parking.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr and Mrs Brian Perry against Shropshire Council. This application is the subject of a separate decision.

### Main Issues

3. The appellant has identified four issues which were considered in the determination of the previous appeal for the site; namely whether the site is a suitable location for residential development, the effect on the safe operation of the adjacent highway and whether there is sufficient information to ensure the proposal would have no unacceptable effects on protected species or their habitats.
4. However, having regard to the Council's latest reason for refusal under application reference 17/01250/FUL I consider that the main issue in this particular case is the effect on the character and appearance of the area.

### Reasons

5. The appeal site is located in Hopton Wafers close to a road junction and adjacent to the former primary school and the village hall and its associated car park. The site is bounded on two sides by public highway, to the south west is a single detached property known as The Dingle and land levels fall away steeply to the east to a stream. There are clumps of relatively dense vegetation in the locality.
6. The current proposal is for four detached dwellings fronting onto the highway which would allow some limited views through the site to the countryside beyond. The overall design of the properties with timber detailing would add

- some interest and character to a new development within the rural setting and would complement the design of other houses in the surroundings.
7. The village has a relatively open and spacious character and form which is particularly clear near to the appeal site and its surroundings. The former school and its associated buildings, the village hall and some nearby residential properties front onto the adjacent road and are set in relatively large plots. Elsewhere in the village there are open landscaped spaces between groups of buildings. The appeal site makes a positive contribution to the overall layout and form of the village, reinforcing the sense of spaciousness in the area of the central part of the village. Furthermore, the boundary hedges and vegetation within the site contribute to the rural character of the site.
  8. The layout of the developed frontage of the site would contrast greatly with the looser and more informal dispersed layout of buildings in the area. Given the design and arrangement of the proposal the frontage of the development would appear as a more formal suburban development in contrast with the rest of the village. This would be reinforced by the use of the main central open part of the site as a parking area.
  9. The built form of the scheme would also have a relatively limited set back from the highway frontage according to plans submitted with the application, the consequence of which would be a development which would appear to be cramped against the road frontage in a form and layout which is at odds with the surroundings. Furthermore, the lack of space at the front of the site would significantly limit opportunities for landscaping and open space to soften the effect of the development on its surroundings.
  10. The appellant has submitted a drawing to illustrate how the required visibility splay could be achieved where the parking area meets the highway. I do not dispute that some limited landscaping could be provided in conjunction with the access layout requirements. Indeed, in the event of permission being granted landscaping could be the subject of a suitably worded condition. However, this does not sufficiently mitigate the harm I have identified with respect to the character and appearance of the area.
  11. I am aware that the appellant would be prepared to omit the pavement along the frontage of the proposal and it seems to have been deleted on the amended plan submitted with this appeal. Nonetheless, the appeal process should not be used as a way of evolving a scheme and as such I find that the formal access layout shown on the submitted plans, including the pavement, represents a far more suburban character than the site and its rural surroundings. As such it would be at odds with the surroundings and jar with the informal and spacious setting.
  12. I also note that Plot 4 would be set significantly forward of the adjacent residential property, The Dingle. The proposed property would also be located very close to the joint boundary. As such the proposal would have an awkward relationship with the adjacent property which would be harmful to the setting of the existing property and be visually incongruous in relation to the pattern of development in the area and the character of the village as a whole.
  13. Therefore, on this issue I conclude that the proposal would be harmful to the character and appearance of the area and would conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy March 2011



and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan 17 December 2015. Among other objectives these seek to ensure that development is designed to a high standard and contributes to and responds appropriately to the form and layout of existing development.

**Conclusion**

14. For the reasons given above and taking into account the previous planning appeal decision APP/L3245/W/16/3154199 and other matters raised including the comments of local residents and the Parish Council I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR

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## Costs Decision

Site visit made on 31 January 2018

**by A A Phillips BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 15 February 2018**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/17/3187051 Land Opposite Village Hall, Hopton Wafers, Kidderminster, Worcestershire DY14 0NA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr and Mrs Brian Perry for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for 4 No detached dwellings, vehicular access and parking.
- 

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance advises that irrespective of the outcome of an appeal costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In this case the appellant claims that as a consequence of a lack of proactive assistance, new highways objection and landscaping matters the Council has behaved unreasonably in the determination of the latest application the subject of this appeal.
3. The appeal followed the refusal on 22 September 2017 of an application made on 14 March 2017 for 4 No dwellings, vehicular access and parking. My decision which accompanies this costs decision agrees with the Council's overall assessment and dismisses the appeal under the terms set out in my decision.
4. I am aware that the current proposal is the second application for the development of the site and that the first refusal of permission was upheld at appeal. There is no dispute between the main parties that the site is suitable for residential development, but the appellant claims that no guidance or assistance has been provided by the Council. The evidence before me suggests that the Council has not been particularly proactive in dealing with this latest application. However, I am not aware that the appellant engaged with the Council before submitting the latest application in the light of the previous appeal decision. Pre-application discussions would have been an ideal opportunity to deal with any outstanding concerns in a proactive manner. I have no evidence that a pre-application service is not available to applicants.
5. Furthermore, the Council did delay determining the application whilst the appellant compiled additional information to address highways concerns in the form of a speed survey and traffic consultant's report. It seems that this was

- initiated by the appellant, but nonetheless the Council did not determine the case until the information had been consulted upon and confirmation received from Highways that there was no longer an objection to the proposal from a highway point of view.
6. Although the appellant claims that the Council has introduced a highway reason for refusal this does not appear to me to be the case. The single reason for refusal relates to the effect of the proposal on the character and appearance of the area contrary to Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy March 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan 17 December 2015. These development plan policies relate to sustainable design and development principles and have been appropriately and reasonably applied to the proposal.
  7. There is acknowledgement in the Council's Development Management Report that there is no objection from Highways and furthermore the report confirms that in the view of the Council it would be unreasonable to withhold permission for reasons relating to highway safety. The reason for refusal does identify the absence of front boundary fences needed to achieve adequate sight lines among the concerns. Although the precise nature of this concern is not entirely clear by the wording used in the refusal it does not alter the overall objection to the proposal in terms of the design and appearance of the proposal and its harmful effect on the character and appearance of the area.
  8. The appellant has submitted a further plan during the appeal process to demonstrate how the proposal could accommodate landscaping, boundary treatment and the required visibility splay. However, as I have stated in my appeal decision the appeal process should not be used as a mechanism to amend proposals and as such I have based my decision on the plans submitted to the Council with the original planning application. If not submitted during the application process itself such amendments should be the subject of a fresh application to the Council.
  9. I do not dispute that some limited landscaping could be provided in conjunction with the access layout requirements. However, as stated in my decision this would not mitigate the harm I have otherwise found with reference to the effect of the proposal on the character and appearance of the area. As such I do not consider the Council has behaved unreasonably in its determination of the proposal submitted.

### **Conclusions**

10. I conclude that no unreasonable behaviour on the part of the Council has been demonstrated and that the application for an award of costs should be refused.

*Alastair Phillips*

INSPECTOR