



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

Date: Wednesday, 14 June 2017

Committee:
Central Planning Committee

Date: Thursday, 22 June 2017

Time: 2.00 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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

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

Members of the Committee

Dean Carroll
Ted Clarke (Chairman)
Nat Green (Vice Chairman)
Nick Hignett
Pamela Moseley
Tony Parsons
Alexander Phillips
Ed Potter
Kevin Pardy
Keith Roberts
David Vasmer

Substitute Members of the Committee

Peter Adams
Roger Evans
Hannah Fraser
Ioan Jones
Jane MacKenzie
Alan Mosley
Harry Taylor

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meetings of the Central Planning Committee held on 18th May and 25th May 2017

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 p.m. on Monday 19th June 2017.

4 Disclosable Pecuniary Interests

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

5 Land at Ellesmere Road, Shrewsbury - 16/03225/OUT (Pages 9 - 70)

Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure.

6 Proposed Residential Development Land Adj Crosshills, Nesscliffe, Shrewsbury - 17/00282/FUL (Pages 71 - 84)

Proposed Residential Development Land Adj Crosshills Nesscliffe Shrewsbury Shropshire.

7 Cartref Camping And Caravan Site, Cartref, Ford Heath, Shrewsbury - 17/00407/FUL (Pages 85 - 108)

Change of use of land for 15no. static caravan pitches; formation of wildlife pond and associated landscaping works; installation of foul pumping unit (resubmission).

8 The Fox Inn, Ryton, Shrewsbury - 17/01790/FUL (Pages 109 - 130)

Application under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall, and use of the land in association with development approved under 14/00701/FUL (amended description).

9 Subway 27 Claremont Street, Shrewsbury - 17/01861/VAR (Pages 131 - 138)

Variation of Condition no.7 of Planning Permission SA/04/1625/F to regularise opening hours to bring them in line with premises licence.

10 Schedule of Appeals and Appeal Decisions (Pages 139 - 140)

11 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 27th July 2017 in the Shrewsbury Room, Shirehall.

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| Committee and Date |
| Central Planning Committee |
| 22 nd June 2017 |

Minutes of the meeting held on Thursday 18th May 2017 in the Council Chamber, Shirehall, Shrewsbury on the rising of the Annual Meeting of the Council

Responsible Officer Karen Nixon
Email: karen.nixon@shropshire.gov.uk Telephone: 01743 257720

PRESENT

Councillors:

Mr D. Carroll, Mr T. Clarke, *Mr R Evans, Mr N Green, Mr N Hignett, Mrs P. Moseley, Mr K. Pardy, Mr T Parsons, Mr A Phillips, Mr E Potter, and Mr K Roberts.

*Substitute

1. ELECTION OF CHAIRMAN

It was proposed by Mrs P Moseley, duly seconded by Mr K Pardy and

RESOLVED: That Councillor Ted Clarke be elected Chairman for the ensuing municipal year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D Vasmer (Mr R Evans substituted).

3. APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Mr T Clarke, duly seconded by Mr R Evans and

RESOLVED: That Councillor Nat Green be appointed Vice-Chairman for the ensuing municipal year.

CHAIRMAN:.....

DATE:.....

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Committee and Date

Central Planning Committee

22nd June 2017

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 25 May 2017

2.00 - 3.42 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Dean Carroll, Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Kevin Pardy, Tony Parsons, Alexander Phillips, Ed Potter and Keith Roberts

4 Apologies for absence

An apology for absence was received from Councillor David Vasmer.

5 Minutes

RESOLVED:

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

6 Public Question Time

There were no public questions or petitions received.

7 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 16/05541/FUL Stanford Farm, Stanford, Halfway House, Shrewsbury - Councillor Ed Potter stated that due to a perception of bias and as he was the local Ward Councillor he would make a statement and then leave the table, take no part in the consideration of, or voting on, this item.

The Chairman agreed to alter the order of the agenda to enable planning application 16/05541/FUL Stanford Farm, Stanford, Halfway House, Shrewsbury to be the next item to be considered.

8 Stanford Farm, Stanford, Halfway House, Shrewsbury - 16/05541/FUL

The Area Planning Manger introduced the application under Section 73A of the Town & Country Planning Act for the retrospective change of use of farm buildings to allow Weddings, Events and Community Activities. It was explained by the Area Planning Manager that there had been additional information submitted in relation to this application including a traffic management plan that the applicant had submitted in response to a request from Shropshire Council Highways. However, as comments from Highways in response to the traffic management plan had not been received Officers were now recommending that the application be deferred. It was added that the deferment would also allow Officers the opportunity to ascertain whether the application was submitted and amended correctly.

RESOLVED:

That the application be deferred to a future meeting of the Central Planning Committee to allow Highways the opportunity to comment on the traffic management plan and Officers the opportunity to ascertain whether the application was submitted and amended correctly.

9 Land West Of Lesley Owen Way, Shrewsbury - 16/00476/OUT

The Technical Specialist Planning Officer introduced the outline application for mixed residential development to include affordable houses; formation of estate roads and vehicular access from Lesley Owen Way. It was confirmed that the application had been previously considered by the Committee at the meeting held on 16th February 2017 where Members had minded to refuse the application in relation to concerns regarding the adverse impact of the development on the ecology of the area. The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from the Shrewsbury and Newport Canals Trust requesting that the applicant liaised with them at the Reserved Matters stage.

Mr Stuart Holt, Local Resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- The area was an well used ecological corridor;
- The Inspector in relation to a previous appeal on the site quoted that the loss of land would be detrimental to the area;

- The application was not sustainable as there were no school places in the local area; and
- The application was contrary to the National Planning Policy Framework and to Core Strategy policies CS2, CS6 and CS17.

Mr David Parker, on behalf of the Applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Technical Specialist Planning Officer, in response to a number of issues raised by Members confirmed that if Members were minded to approve the application a condition could be included to request that the garden fencing should be badger proof in order to exclude badgers from domestic gardens. It was added that the comments from Shropshire Wildlife Trust had not been disregarded and that all comments had been assessed by Shropshire Council's Ecologist who had considered that the application would not cause significant harm to the site.

Having considered the submitted plans for the proposal, the majority of Members expressed their support for the Officer's recommendation subject to the inclusion of an additional condition in relation to badger proof fencing and an informative to request the applicant to liaise with the Shrewsbury & Newport Canal Trust at the Reserved Matters stage.

RESOLVED:

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

- The conditions set out in Appendix 1;
- A S106 to secure the relevant affordable housing contribution at the Reserved Matters stage;
- An Additional condition to state that from the outset garden fencing should be badger proof in order to exclude badgers from domestic gardens; and
- An informative included to request that the applicant liaises with the Shrewsbury & Newport Canal Trust at the Reserved Matters stage.

10 Land West Of Nesscliffe Hotel, Nesscliffe, Shrewsbury - 16/00670/REM

The Area Planning Manager introduced the outstanding reserved matters application in relation to appearance, layout and landscaping further to outline approval 12/00821/OUT and reserved matters approval for scale 13/02901/REM and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Area Planning Manager noted that the heading of paragraph 3 of the report should read 'Reason for Committee Determination of Application'.

In response to a comment from a Member in relation to the lack of Public Open Space included in the application, the Area Planning Manager noted the point made and agreed that he would refer it back to the Parks and Countryside Team.

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

RESOLVED:

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

11 Radbrook Nursing Home, Stanhill Road, Shrewsbury - 17/00635/FUL

The Area Planning Manager introduced the application for the erection of 2-storey extension to provide 24 additional bedrooms; re-configuration of existing rooms to provide 6 additional bedrooms; alterations to car parking to provide 38 parking spaces and minor alterations to the front elevation and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Mrs Margaret McGrath, Local Resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- The application would impact on residents' lives due to the noise from traffic and loss of trees and views of the area;
- He had concerns in relation to highway safety as the access was close to shops and a school;
- The application was over intensive use of the land and overdevelopment of the site; and
- Residents were happy with the previous smaller application submitted in July 2016.

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

RESOLVED:

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

12 Proposed Residential Development Land, Condover, Shrewsbury - 17/00863/OUT

The Technical Specialist Planning Officer introduced the outline application for residential development land at Condover, Shrewsbury and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the

proposed development on the surrounding area. The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a letter from the Parish Clerk clarifying the comments of the Parish Council.

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

RESOLVED:

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

13 The Red Lion Inn, 32 Shrewsbury Road, Bomere Heath, Shrewsbury - 17/01120/FUL

The Technical Specialist Planning Officer introduced the application for the erection of 5 dwellings, associated parking and landscaping and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. It was noted that the application was a re-submission following approval in 2014 for three detached houses.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Lezley Picton addressed the Committee as the local ward Councillor. During her statement, a number of points were raised including the following:

- The proposal was overdevelopment of the site would be out of keeping with and detrimental to the area;
- The scheme was cramped and did not include adequate parking;
- Further conditions were necessary in relation to the footpath to ensure children would be able to walk to school safely; and
- The proposal would affect the business of the pub.

Mr Jack Nuttall, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to the comment made by Councillor Lezley Picton in relation to the footpath, the Area Planning Manager advised that if Members were minded to approve the application a condition in relation to the requirement of a Construction Management Plan should be added to any permission granted.

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

RESOLVED:

That planning permission be granted as per the Officer's recommendation subject to the conditions set out in Appendix 1 and an additional condition in relation to the requirement of a Construction Management Plan.

14 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 25th May 2017 be noted.

15 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 22nd June 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

It was added that due to a Special Council meeting scheduled for the morning of 22nd June 2017, the site visits for the meeting will be moved to an alternative date.

Signed (Chairman)

Date:



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| <u>Committee and date</u> |
| Central Planning Committee |
| 22 June 2017 |

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| <u>Item</u> |
| 5 |
| Public |

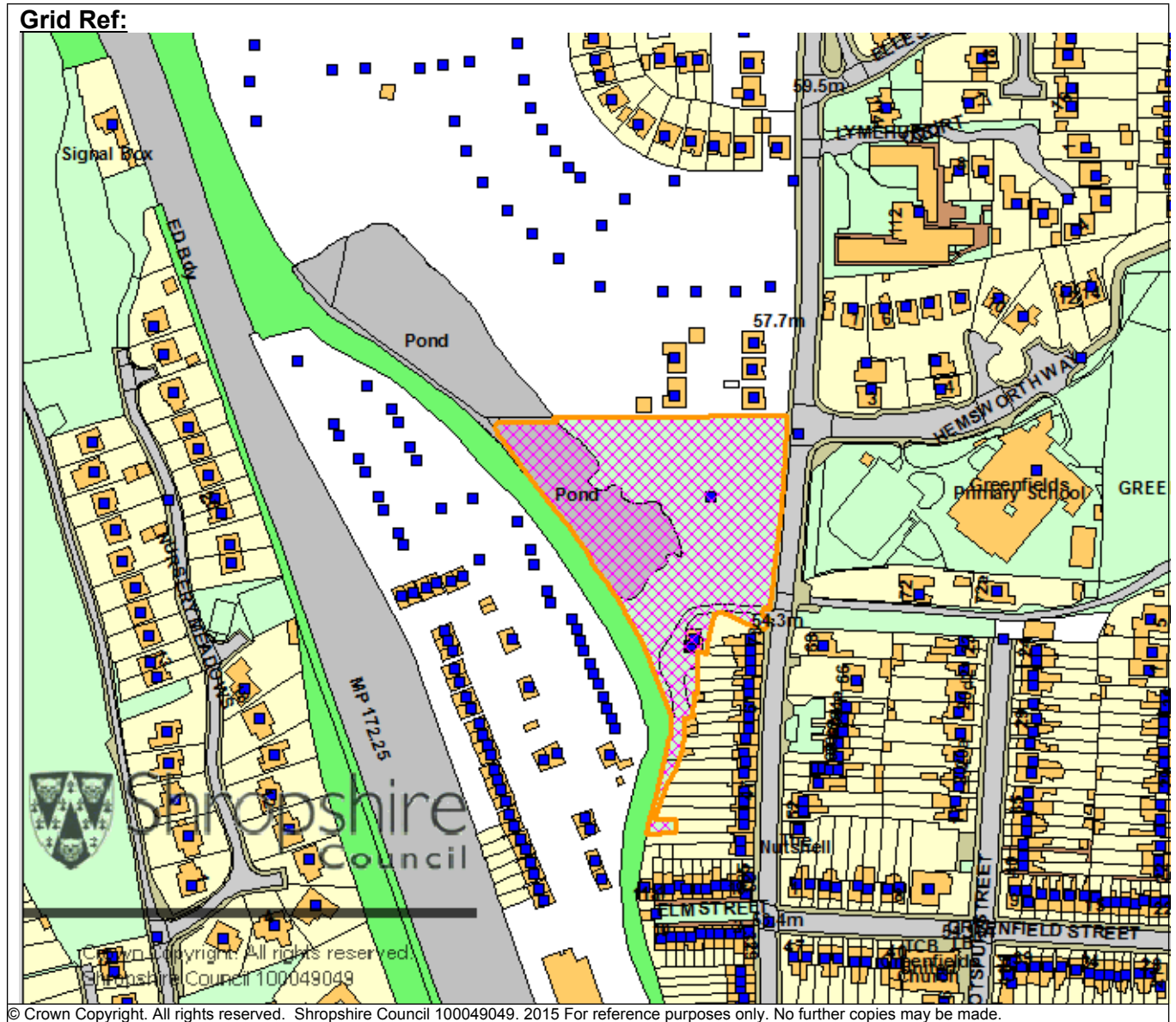
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

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| <u>Application Number:</u> 16/03225/OUT | <u>Parish:</u> | Shrewsbury Town Council |
| <u>Proposal:</u> Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure | | |
| <u>Site Address:</u> Land at Ellesmere Road, Shrewsbury, Shropshire | | |
| <u>Applicant:</u> The Saxonby Group | | |
| <u>Case Officer:</u> Mark Lynch | <u>email:</u> planningdmc@shropshire.gov.uk | |



Recommendation: - Grant outline planning permission subject to a S106 Planning Obligation and to the conditions set out in Appendix 1.

REPORT

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| 1 | THE PROPOSAL |
| 1.1 | This application seeks outline planning permission for a residential development originally comprising 48 apartments but reduced to 38 following negotiations. All matters are to be considered as part of this application with the exception of landscaping, which remains a reserved matter. Detailed plans and drawings have been submitted showing three residential blocks arranged on the site. Two of the blocks front the highway on Ellesmere Road ('Blocks A and C') with the third block ('Block B') set behind Block A facing the existing pond on the western edge of the |

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| | site. |
| 1.2 | The site slopes from east to west and the height and scale of the three blocks follow the topographical variations on the site. Blocks A and B are two storeys in height where they face the road with an additional floor of accommodation within the roof space. Block A is subdivided into three individual component blocks each separated from its neighbour by a recessed three storey partition in a contrasting brick. At the rear, the block steps down the slope so that it is three storeys in height with a fourth floor of accommodation provided. |
| 1.3 | The block is relatively wide and the same intervening partition device is employed in an attempt to break up the massing of the building. The rear elevation has a number of balconies added at first and second floor levels. Car parking is provided underneath two of the buildings at ground floor level. It contains 15 apartments. |
| 1.4 | The second building Block C is located to the south west of Block A and is of similar design. It is two storeys in height facing Ellesmere Road and three storeys in height at the rear with an additional floor of accommodation within the roof space. It was initially arranged east/west on the site with the building set back from the Ellesmere Road frontage behind the access. Balconies were shown added to the side and rear elevations at first and second floor levels. This orientation and design has since been changed so that balconies to the side have been removed and it now sits just behind the frontage line and has been turned through 90 degrees to create a traditional frontage development. It contains 10 apartments and the base level contains a number of car parking bays. |
| 1.5 | The third building, Block B, was initially the largest of the three and is sited at the back of Block A. It once extended westwards almost as far as the existing pond at the western part of the site. It is of similar style to the others and initially contained four individual blocks separated by three full height glazed partitions. As originally submitted, the sub-block at the rear of Block A was three storeys with a fourth floor in the roof. The remaining three sub-blocks were four storeys with a fifth floor of accommodation within the roof space. Car parking was shown provided within the base level of these three sub-blocks. A number of balconies were included on the rear and side elevations. The height and size of the block have been reduced following discussions so that they are more in keeping with the other two blocks. It contains 13 apartments and car parking on part of the ground floor level. |
| 1.6 | The blocks share common design features, including the aforementioned glazed and brick partitions and balconies. They also include a number of flat roofed dormers, roof lights and chimneys. Materials remain to be agreed but the drawings suggest that they will be common to each block and comprise red facing brick and a dark roofing material, such as slate or tile. |
| 1.7 | Access will be via a new site entrance onto Ellesmere Road located in the central part of the frontage. The access road leads to the rear of the site in front of Block B. An arm leads off this road to the south in front of Block C where it winds around to the rear of the existing two storey terraced dwellings along Ellesmere Road. The development proposes an additional 8 off street car parking spaces in this part of |

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| | the site to meet the needs of existing residents. |
| 1.8 | <p>Since initial submission, there has been a sustained programme of negotiation over this scheme between the local planning authority and the applicant that has resulted in a series of amendments. The current scheme now consists of the following:</p> <ul style="list-style-type: none"> • A reduction in numbers of apartments from 48 to 38 • Block B at the rear being reduced in size to set it away from the pond and constructing the western part of the building on columns to protect the biodiversity interests of the pond margins and creating an enhanced habitat and green corridor area under and around the building • A redesign to remove several chimneys and changes to the fenestration to reduce its bulk and institutionalised appearance, including omission of balconies on Block B facing the Redrow Homes development and existing dwellings to the south and west • Omission of balconies on those parts of Block A closest to the new Redrow Homes development to the north • Resiting of Block B so that it is a minimum of 21m away from the nearest dwelling on the adjacent Redrow Homes development • Reorientation of Block C so that it now faces Ellesmere Road • Reduction in the footprint of the buildings to create more space around the pond • Introduction of dormer windows to roadside elevations • S106 contribution of £32,000 towards a traffic signal controlled crossing on Ellesmere Road • An increase in the numbers of affordable housing units from 10% to 20% • An offer of £45,000 towards the North West Relief Road |
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| 2.0 | SITE LOCATION/DESCRIPTION |
| 2.1 | <p>The application site is roughly triangular in shape and extends to 0.8 of a hectare in area. It is located in the open countryside on the edge of Shrewsbury. The site lies adjacent to a row of two storey terraced dwelling houses fronting Ellesmere Road. To the north is a new development under construction by Redrow Homes. This development comprises 75 dwelling houses on a 4 hectare site. To the west is a row of trees on the west bank of the pond beyond which a new development by Lovell's is for 147 residential units including an extra care block (69 units) and 78 dwelling houses.</p> |
| 2.2 | <p>The site is currently unused and is largely laid to rough grass with a pond occupying part of the western area of the site. The front of the site facing Ellesmere Road is marked with a hedge. Adjacent to the terraced dwellings is an existing vehicular access that leads to the rear of those houses. The site slopes from east to west towards the pond.</p> |
| 2.3 | <p>The wider area is predominantly residential in character consisting of a range of different dwelling types and development patterns. As mentioned, the land to the</p> |

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| | north is being developed as a housing estate by Redrow Homes and the land to the west has been developed for residential purposes by Lovell's. To the south is a row of two storey terraced houses that front directly onto Ellesmere Road. On the opposite side of the road are a number of larger dwelling houses, some set back from the highway frontage behind mature hedges. In addition, there is Greenfields School and its grounds and further to the north east is a small modern housing development and a nursing home. |
| 2.4 | Ellesmere Road is classified A528 and is one of the main arterial routes into and out of Shrewsbury. |
| 2.5 | The site lies outside the defined settlement boundary for Shrewsbury and is categorised as open countryside, notwithstanding the presence of new development to the north and west. |
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| 3.0 | REASON FOR COMMITTEE DETERMINATION OF APPLICATION |
| 3.1 | The proposed development is contrary to adopted planning policy and has attracted objections from the Town Council the local elected Member has also called the application in for determination by the Planning Committee. It is considered that the proposals should be determined by the Planning Committee in view of the controversial and complex issues involved. |
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| 4.0 | Community Representations |
| 4.1 | - Consultee Comments. |
| 4.1.1 | SC Public Protection – Comments The noise assessment completed by SMB Safety Solution Ltd dated 29th June 2016 concludes that mitigation is necessary to habitable rooms. As a result I recommend a condition as follows should this application be granted approval: 1. A glazing and ventilation specification to be installed into each habitable room shall be submitted to the local planning authority for approval in writing prior to the installation of any windows into the structure. The glazing and ventilation shall provide at least a 30 dB reduction between the internal and external fabric of the building. The approved design shall be incorporated into all windows into habitable rooms. Reason: to protect the health and wellbeing of future residents. Having considered the contaminated land report carried out by GIP reference CEB/23460 it is noted that high levels of CO2 were recorded in one location. The report recommends further investigation of this area. I would recommend that this |

area is investigated further prior to any remediation option being finalised. As a result I propose the following condition is placed should this application be granted approval:

2. Contaminated land

- 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. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5.

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| | <p><u>Comments on amended plans 03/05/2017:</u></p> <p>Previously proposed conditions still stand. In addition to previous comments it is noted that the application proposes car parking for the residential units. This will encourage car users in proximity of a declared Air Quality Management Area where significant reductions are required in order to meet legislative requirements for pollution. In addition there are pollutants produced by vehicles that are persistent in the environment such as particulate pollution. Particulate pollution can remain suspended for a prolonged time and move great distances.</p> <p>In order to address the above points I recommend a condition to ensure that sustainable transport options are encouraged in future by providing infrastructure required to charge electric vehicles which are considered the future of small vehicles in the UK in order to help achieve reductions in both air pollution and carbon dioxide:</p> <p>Prior to use, a minimum of one electric vehicle (EV) plug ready charging point shall be installed for every 10 parking spaces or part thereof provided.</p> <p>Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.</p> |
| 4.1.2 | <p>SC Ecologist – Comments:</p> <p>I have read the above application and the supporting documents including the;</p> <ul style="list-style-type: none"> - Preliminary Ecological Assessment conducted by Turnstone Ecology (May 2016) - Natural England DAS response. Reference DAS/11746/207322 dated 3rd March 2017. - Great Crested Newt Mitigation & Management prepared by Turnstone Ecology (15th May 2017) - Site Plan – Ecology, drawing number LO14E. Prepared by aip architects ltd dated 28th February 2017 <p><u>Recommendation:</u></p> <p>Please include the following conditions and informatives below on a planning decision notice. Planning Officer to complete tests 1 and 2 on the European Protected Species 3 tests matrix and include the finished matrix in their site report.</p> <p>Great Crested Newts</p> <p>A medium population of great crested newts has been recorded in the pond within</p> |

the development site boundary (max count 22).

Turnstone Ecology and the applicant have used Natural England's Discretionary Advice Service to inform an appropriate mitigation strategy at this site.

The pond and associated marginal vegetation, hedgerows, trees and scrub around the site will be retained. Proposed access will be via a new road directly off Ellesmere Road, resulting in the loss of a short section of poorly connected hedgerow.

A Natural England European Protected Species Licence will be required prior to the commencement of development.

In order to avoid killing and injuring of great crested newts the following reasonable avoidance measures will be put in place;

- Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees
- Temporary Amphibian Fencing
- Permanent log piles will be created to the south of the pond, acting as an area for translocation
- Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture

In order to mitigate for the loss of great crested newt habitat;

- The total area of the development is 0.8 ha, of which the pond makes up 0.211 ha and hard-standing makes up 0.078 ha.
- All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148 ha of dense ruderal and grass habitat around the edges of the pond) and 0.042 ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction.
- Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating GCN.
- A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary.
- The proposal within the 0.8 ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078 ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.

In order to enhance the site and mitigate for the loss of great crested newt habitat;

- Enhancements to the pond
- Improved terrestrial habitat around the boundaries
- Drainage during and post construction will ensure the water table and pond

will not be effected

- The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other than for monitoring or management purposes.

Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove them.

Natural England

Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and that a licence from Natural England is likely to be granted.

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

REM Condition 1:

1. The first submission of reserved matters shall include a detailed ecological mitigation strategy submitted to the local planning authority for approval. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Site Plan – Ecology, drawing number LO14E, Prepared by aiparchitects ltd dated 28th February 2017' and as detailed in the 'Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)'. An area of 0.54ha of great crested newt habitat shall be retained and fenced off from the public open space and managed as great crested newt habitat. The updated ecological mitigation strategy, recommendations and method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected

Species and Badgers, Protected by the Badgers Act.**REM Condition 2:**

The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) 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;
 - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be adhered to and implemented strictly in accordance with the approved CEMP unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

REM Condition 3 Landscape Plan

At first submission of reserved matters a scheme of landscaping should be submitted and approved in writing by the local planning authority. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the

local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. integrated bird, bat boxes, hibernacula)
- 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

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

The first submission of reserved matters shall include a habitat management plan. The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 0.54ha of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in 'Figure Site Plan – Ecology, dated 28th February 2017',
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.
- i) The financial and legal 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, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

Planning Condition

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

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

Badgers

The bare earth and patchy vegetation that dominates the site could be used by foraging badgers. No badger setts were recorded. Despite the lack of evidence found during the survey it is recommended a pre-construction check for setts is completed approximately 8 weeks prior to the start of works. Mitigation measures should also be put in place to ensure foraging/dispersing Badgers do not become trapped within any excavation works associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Bats

The site has the potential to support foraging and commuting bats. Enhancements for roosting bats should be included in suitable locations on site. SC Ecology would recommend integrated bat boxes are used.

The existing gaps in hedgerows and along the northern and eastern boundaries of the site should be replanted to add to the ecological value of the landscaping around the boundaries of the site. Lighting will need to be controlled on site.

Nesting Birds

In order to minimise potential impact on nesting birds vegetation should be removed outside of the nesting bird season. Integrated swift bricks should be included within the site design in appropriate locations.

The following conditions and informatives below should be on a planning decision notice;

Condition 1:

No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies

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| | <p>immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development an updated mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan.</p> <p>Reason: To ensure the protection of badgers, under the Badgers Act (1992)</p> <p>REM Condition</p> <p>As part of the Reserved Matters details for the provision of nesting opportunities for swift, house martin and house sparrow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the <i>dwelling(s)/building</i>.</p> <p>Reason: To ensure the provision of nesting opportunities for swifts</p> <p>REM Condition</p> <p>As part of the reserved matters details of the location and design of a minimum of 5 bat boxes or bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.</p> <p>Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species</p> <p>Condition</p> <p>Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet <i>Bats and Lighting in the UK</i></p> <p>Reason: To minimise disturbance to bats, a European Protected Species.</p> |
| <p>4.1.3</p> | <p>SC Highways: Recommendation</p> |

No Objection – subject to the development being carried out in accordance with the approved plans and the following conditions and informative notes.

Observations/Comments: [s/v 29th September 2016]

Following the previous Highway Advice Note dated 6th January 2017, amended drawings have been submitted which show a reduction in the number of apartments within the site to 38. Some minor adjustments are still considered necessary to the apartment block boundaries fronting the A528 Ellesmere Road to provide an appropriate footway width and visibility splays commensurate with the 30mph speed limit.

It is understood that a financial contribution towards a controlled pedestrian crossing on Ellesmere Road has been secured from the adjacent development site to the north and it is considered that the principle of a contribution is also appropriate from this development to enable the controlled crossing to be delivered and provide safe access to the primary school and the wider network of pedestrian and cycle routes.

It is also considered that the future of the existing on-street parking bays fronting No's 57-73 Ellesmere Road should be determined in conjunction with the location of the controlled pedestrian crossing and in light of the use of the improved access and parking arrangements to the rear of the terraced houses.

The revised drawings show 73 or 74 parking spaces depending on whether the dimensions of the parking bays to the north of Block B are marked as standard or disabled. Based upon the current mix of apartment units and applying a rate of parking based upon 200% parking for the 3-bedroom units and 150% parking for the 1 and 2-bedroom units (plus 9 spaces for the existing terraced houses) the total parking requirement would be 68 spaces. Based upon 38 apartments, the number of parking spaces within the submitted drawings is therefore, considered to be acceptable.

Within the revised Site Plan (Drawing No. L015 Rev C) however, the parking layout shows 4 disabled parking spaces to the north of Block B, which are considered to be remote from the southern end of Block A and Block C. It is suggested that further consideration is given to the location of disabled parking spaces and the accommodation of some disabled parking bays within the under-croft parking areas in close proximity to the lift, in view of the above parking calculations.

The Site Plan also requires some minor adjustments to the boundaries of the apartment blocks fronting the A528 Ellesmere Road to ensure that minimum 2.4 x 43 metre visibility splays are safeguarded and a 2 metre wide footway can be provided.

As no revised swept-path analysis drawing appears to have been provided, the previous comments relating to the clarity and demarcation of the potentially adoptable and private areas are still considered to be valid. At present, the area suggested by the banding at the end of the access road does not appear to meet the minimum standard for a refuse collection vehicle to manoeuvre. It is considered that the areas of the internal road required for access from the A528 and turning for

a Refuse Collection Vehicle should be defined and distinct from the private access roads serving the parking for the apartment blocks and the rear of the terraced units.

Confirmation of the principle of a contribution from the development towards the traffic signal controlled pedestrian crossing on Ellesmere Road appears not to have been provided to date and, based upon the contribution from the adjacent site, can be revised to £25,333 with the reduced number of residential units.

It is considered that the information provided is acceptable to enable an approval of the application in Highway terms, however, in view of the above access, layout and parking concerns specific conditions are recommended below:

1. Prior to the commencement of development a revised site frontage layout shall be submitted to, and approved in writing by, the Local Planning Authority to show a minimum frontage footway width of 2 metres and 2.4 x 43 metre visibility splays clear of any development block boundaries. The approved details shall be fully implemented before any of the apartments are first occupied.

Reason: In the interests of Highway safety.

2. Prior to the commencement of development a revised internal access road and turning head layout, supported by a swept-path analysis, shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a large refuse collection vehicle can enter the site, turn and exit in a forward gear clear of any defined pedestrian routes and private driveways. The approved layout shall be fully implemented before any of the apartments are first occupied.

Reason: In the interests of Highway safety.

3. Prior to the commencement of development details of the site parking arrangements as they relate to the individual apartment blocks and including appropriately located disabled parking provision for each of the apartment blocks shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking layout shall be fully implemented before any of the apartments are first occupied.

Reason: In the interests of Highway safety.

4. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before any of the apartments are first occupied.

Reason: To ensure a satisfactory access to the site.

5. 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 and shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development

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| | <ul style="list-style-type: none"> <input type="checkbox"/> the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate <input type="checkbox"/> wheel washing facilities <input type="checkbox"/> measures to control the emission of dust and dirt during construction <input type="checkbox"/> a scheme for recycling/disposing of waste resulting from demolition and construction works <input type="checkbox"/> a traffic management and HGV routing plan <p>Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.</p> <p><u>Section 106 Agreement</u></p> <p>It is considered that contribution of £25,333 is appropriate from this development towards the provision of a controlled pedestrian crossing on the A528 Ellesmere Road.</p> |
| 4.1.4 | <p>SC Archaeology – Comments</p> <p>We have no comments to make with respect to archaeological matters.</p> |
| 4.1.5 | <p>SC Drainage – No objection</p> <p>The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. Conditions and informatives that cover the following matters are recommended:</p> <ol style="list-style-type: none"> 1. The surface water drainage proposals in the FRA are acceptable in principle. The Environment Agency has updated the guidance on Climate Change in March 2016 and 35% should be used for residential development in the Severn catchment. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catch pit prior to entering the soakaway to reduce sediment build up within the soakaway. 2. Details of the highway drainage should be provided. Highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period. Confirmation is required that the gullies will be able to convey the 100 year plus 35% storm to the proposed surface water drainage system. Soakaways and attenuation drainage structures should not be located under the highway. Alternatively, a contoured plan of the finished road levels should be provided together with <p>confirmation that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should</p> |

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| | <p>not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow path should be provided to ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.</p> <p>3. Shropshire Council will not be maintaining the proposed surface water soakaways and existing pond. Information on the proposed maintenance regime for any sustainable drainage system proposed should be provided, including details of who will take responsibility to ensure that the drainage system remains in good working order throughout its lifetime.</p> |
| 4.1.6 | <p>SC Conservation and Design Officer - Comments:</p> <p>The site is an area of former agricultural land, together with the rear of garden plots which have served as community allotments in the past century. There are no previous applications on the site.</p> <p>The proposal is not within the Conservation Area, so this comment is provided in relation to design matters, and policy MD2 and MD13 of the SAMDEV plan apply. In addition to the above policies, due regard to the following local and national policies and guidance has been taken, including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, as well as national policies and guidance, including the relevant sections of the National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 do not apply.</p> <p>Assessment:</p> <p>The design and layout of the development has been amended over the course of the past few months, and in response to concerns regarding overdevelopment and density. The reduction of the footprint and height of the block to the rear of the site is a clear enhancement to the version of the scheme which we were previously consulted upon. Although elements of the previous design have been amended and create less interest through a lack of texture, the re-orientation of the block adjacent to the road to the south of the site creates a continuation of the terracing which is a historic townscape feature of this area and is welcomed. Should an approval be granted, details of materials should be dealt with as part of any reserved matters application.</p> |
| 4.1.7 | <p>SC Planning Policy – Comments:</p> <p>This policy comment seeks to address the principle of permitting residential use on this land.</p> <p>The application site adjoins the development boundary for Shrewsbury but lies outside the built form of the town as illustrated on the Policies Map: Shrewsbury S16 INSET 1 of the Site Allocations and Management of Development (SAMDev)</p> |

Plan. The application site therefore forms part of the countryside and the principle of permitting development on this land must be determined against Core Strategy, Policy CS5. This policy seeks to strictly control new development in accordance with national policies protecting the countryside.

The application site is an area of countryside which will now be enclosed within the built form of the town. The existing development to the south is terraced housing along the built edge of the Greenfields neighbourhood. To the west, the site is bounded by a significantly elevated, new residential development brought forward as a housing allocation in the superseded Shrewsbury Borough Local Plan (2001). This process of enclosure still requires proper consideration of the different roles and character of these areas, recognising the intrinsic character and beauty of the countryside including the application site, in relation to the core principles of national policy.

To the north, the development which is now under construction will enclose the application site within the built form of the town. This development received permission under the provisions of the National Planning Policy Framework paragraphs 49 and 14, at a time when the authority could not demonstrate a five year supply of deliverable housing sites. The current Five Year Housing Land Supply Statement (2016) demonstrates a deliverable housing supply of 5.97 years including a considerable supply of deliverable sites in Shrewsbury. Consequently, the justification for permitting the development to the north of the application site is not held to weigh in favour of the proposed development. The adopted Local Plan therefore remains the primary consideration in determining this application.

In this context, Core Strategy Policy CS2: Shrewsbury – Development Strategy recognises that sustainable housing releases will occur on the edges of Shrewsbury. However, Policy CS2 places priority on brownfield sites first before green field sites like the application site and expects land releases on the edges of Shrewsbury to be those sites identified for residential development in SAMDev Policy S16: Shrewsbury area and this also does not include the application site.

Core Strategy Policy CS5, in being used to determine the application, only permits limited types of residential development in the countryside. The proposed development for open market housing does not comply with the permissible uses in Policy CS5, in particular, it does not propose accommodation for essential countryside workers or affordable housing to meet an identified local need and the form of development does not include conversion of buildings. The proposed development is therefore considered to be inappropriate in the context of Policy CS5.

It is recognised that the application site now has a close connection with the built form of Shrewsbury. However, this enclosure of the countryside into the townscape is not an uncommon feature within the town of Shrewsbury. The townscape is characterised by 'wedges' of open land within its built form and some of these areas penetrate deep into the town with many becoming part of the urban 'green' infrastructure.

The application site has the potential to perform this function especially as it is

already designated within the environmental network for Shrewsbury. The application site extends to 0.8 hectares and visually, is not wholly contained by the surrounding built development. The view from the undeveloped road frontage on Ellesmere Road provides an open aspect into the surrounding countryside especially as the site slopes downwards away from Ellesmere Road. It is considered that if the application site remained undeveloped, it would continue to form part of the environmental network and would merit the protection of Core Strategy, Policy CS17.

This outline application, whilst seeking approval in principle, presents a significant level of detail including the means of access and the scale, layout and appearance of the proposed development, only reserving the landscaping details to a later application. It is therefore considered that the proposed development provides sufficient detail to warrant consideration of a broad range of material matters in reaching a decision. In particular, it is possible to consider the degree to which the proposed layout, scale, form and design of the proposed development conforms to Policies CS6, CS7, CS8, CS9, CS17 and MD2, MD8, and MD12 in relation to the character, features and qualities of the application site and the location, character and amenities of the neighbourhood and existing developments surrounding the application site.

In this assessment, it is recognised that SAMDev Policy S16 for the Shrewsbury area is worthy of further consideration. The relevant section of Policy S16 lies in paragraph 4.169 in relation to the infrastructure of the town and the ambition for the provision of the North West Relief Road. This section of Policy S16 recognises that land off Ellesmere Road could be a potential long term direction for growth but that such growth should be linked to three material considerations. Firstly, any proposed development should be linked to the delivery of the Relief Road with the development helping to bring forward the road itself or providing contributory finance for this strategic infrastructure. Secondly, any such development proposals should accord with SAMDev Policy MD3 and thirdly, where there are a number of such development proposals they should not cumulatively lead to adverse effects on the capacity of Ellesmere Road to serve as a major approach into Shrewsbury and its town centre.

It should be recognised that SAMDev Policy MD3 does address the material considerations identified in this policy comment. In Policy MD3 (1) requires that regard be had to the Local Plan policies for land in the countryside, where appropriate, and also to the development strategy for Shrewsbury. In Policy MD3(1)(i), proposals for residential development are required to meet the design requirements of other relevant Local Plan policies and that, in the round, regard may also be had to the cumulative impacts of development in the settlement. In relation to the latter point, clearly, the settlement housing guideline figure for Shrewsbury would not be the primary consideration in this context, so early in the plan period. However, SAMDev Policy S16 does indicate that the provisions in relation to cumulative development in Policy MD3 (2) may be taken in the round in relation to developments along Ellesmere Road. This must consider both the capacity of the highway to serve the town and the need to facilitate the delivery of the North West Relief Road in balancing the sustainability of the proposed development.

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| | <p><u>Conclusion:</u></p> <p>In this context, it is considered that the current proposals would not be acceptable in principle in relation to the Local Plan.</p> |
| 4.1.8 | <p>SC Housing Officer – Comments:</p> <p>If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.</p> <p>The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 4 Affordable units on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be for at least 2 affordable/discounted rent and the remaining being low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council’s prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application.</p> |
| 4.1.9 | <p>SC Learning and Skills – Comments:</p> <p>Shropshire Council Learning and Skills reports that the local primary school has no excess capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. It is recommended that capacity pressures from this development are addressed by way of a financial contribution from CIL or S106 (since confirmed that this will be via CIL). Access to Greenfields school is via a Hemsworth Way off Ellesmere Road opposite the proposed site. The safety of pupils should be considered during and after the construction.</p> |
| 4.1.10 | <p>Shrewsbury Town Council – Comment:</p> <p>Shrewsbury Town Council objects to this application on the following Grounds:</p> <ol style="list-style-type: none"> 1. Members expressed their concerns about the cumulative impact of the proposal for another residential development off Ellesmere Road which is already undergoing extensive redevelopment. 2. Traffic is already problematic on the Ellesmere Road and these additional residential buildings will exacerbate the problem. 3. Members are also concerned that the access and egress will be within close proximity to a school, thereby triggering community concern as to road safety. |

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| | <p>4. The four storey apartment blocks are not in-keeping with the original properties on the Ellesmere Road and members feel the site is being overdeveloped.</p> <p><u>Comments on amended plans 04/05/2017:</u></p> <p>Members considered the amended plans to the residential development. Members felt that these amendments failed to address any of the original concerns regarding over-crowding, flood potential, traffic as well as design. Members discussed the cumulative impact of this development on Ellesmere Road and whether the road could accommodate any further development to the extensive plans already being implemented. Furthermore, this land is part of the flood zone and developing this site would further exacerbate the parking and traffic issues in the area. Should a development on this land be approved by Shropshire Council, members asked that the design of these buildings be reconsidered as three and a half/four storey apartment blocks are not in-keeping with the existing, original properties on Ellesmere Road.</p> |
| 4.1.11 | <p>Councillor Dean Carroll – Comments:</p> <p>Before I layout my objections I would like to say that I don't have a problem with the site, I believe it to be sustainable and developable as a location, it is the current proposal that I am objecting to.</p> <p>Firstly I consider that 48 apartments in three blocks would be significant overdevelopment of this site which is only 0.8 hectares. There would be insufficient amenity space as much of the site outside of the three blocks is indicated as road and parking space.</p> <p>Secondly the surrounding properties on either side of Ellesmere Road are small Victorian terraces, large Victorian and later villas and modern detached and semi-detached properties. All of the modern apartment developments are further down Ellesmere Road closer to town, and significantly on the other side of Greenfields. These proposed apartment blocks would be out of place in this location.</p> <p>Finally, when the Redrow development to the immediate north was approved the Highways officer (Richard Harman) stated that this was the last major development that could be permitted along Ellesmere Road due to the capacity of the surrounding highways network. The local road network is acknowledged to be at or above capacity currently, particularly the critical junctions at Coton Hill and the Chester Street gyratory.</p> <p>As I said initially, I consider that in principle I don't object to the site being developed in the right way, in a way that would complement and enhance the local area. Unfortunately this proposal does neither, and I would not be able to support it. If it were to get to the decision making stage I would request that it be determined by the Central Planning Committee for the above listed reasons.</p> |
| 4.1.12 | <p>Councillor Alex Phillips – Comments:</p> |

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| | <p>The revised plans do nothing to address my previous concerns (which still stand), made prior to my election as a Councillor, which in summary are on:</p> <ul style="list-style-type: none"> - Density - Flood plain and wildlife issues - Pollution - Pressure on roads and public services - Safety - Visual impact (on this point the balconies are of poor design and will allow the properties to overlook neighbouring properties, harming the right to privacy of neighbouring properties). <p>If this application is approved it will be going against SAMDev. It will also go against other Council documentation saying that there should be no significant development in this immediate area (following the Redrow and Lovell's Developments) until/unless the North West Relief Road is built.</p> <p>Given the widespread concerns from residents and myself I ask that this application comes before the Central Planning Committee before any decision is made.</p> |
| 4.1.13 | <p>- <u>Public Comments:</u></p> <p>31 objections have been received from 18 local residents and are summarised as follows:</p> <p><u>Principle</u></p> <ul style="list-style-type: none"> • The proposed development is contrary to the SAMDev that was prepared and accepted by the Council to meet the required site provisions for development. • Development on the adjacent Redrow site was only granted on the grounds that Shropshire council could not demonstrate a 5 year land supply, which it now can. <p><u>Density</u></p> <ul style="list-style-type: none"> • The density of the development at 48 units on a site of this size is too much. The scale of the development is overdevelopment. • The proposed development of nine blocks of flats, built in three sections consisting of 48 dwellings of up to five stories is overbearing and would be unacceptably high density for the area. In short, it would be an overdevelopment of the site. <p><u>Design, Character, Appearance and Amenities</u></p> <ul style="list-style-type: none"> • The scale and appearance of the development does not appear to be in keeping with either the adjacent row of Victorian terraces or the Redrow development of large detached properties. • The nature of the proposed build is entirely at odds with the existing architecture of the area, even including the new building development. • The visual impact of the development would be significantly adverse, with a proposed style that is not in-keeping with the local traditional Victorian |

terrace houses and soon to be completed semidetached and detached houses by both Lovell and Redrow (and existing detached properties opposite the site). The proposed flats will be separated by glass stairwells and have balconies - these are very modern styles that are completely different to the existing traditional style housing in the neighbourhood. Given the balcony design which would overlook neighbours, I also think privacy and amenity of neighbours would be negatively impacted. As such I believe the effect on the character of the neighbourhood would be very negative.

- The visual impact of the development is totally out of character with the surrounding buildings and therefore out of keeping with the existing Victorian terraces and the on-going semi-detached and detached house developments. The proposed four storey high blocks are overbearing and will be in visual conflict with the existing and developing surroundings.
- The developer is squeezing as much as possible into the space with total disregard for the neighbouring properties, the aesthetics of the build, and the ecology.
- The proposed development is inappropriate for the area. It is very modern and high density unlike the adjacent terrace.
- Redrow Homes object in the strongest possible terms to the form, scale and massing of the proposed apartment blocks. The subject application adjoins plots 67 to 71 of Redrow Homes consented development – Decision reference 13/05124/FUL.
- The indicative scheme proposed creates an unacceptable relationship in planning terms and fails all known space around dwelling and amenity standards and would if approved result in Redrow Homes being compelled to challenge the decision.
- Specific concern is raised in respect to the proximity of the proposed blocks to the adjacent consented dwellings. The relationship between the proposal and the homes will be overbearing and will result in overlooking of private gardens from windows and the proposed balconies of the 4/5 storey blocks. This will also result in a significant loss of light, with this being particularly relevant in the winter months due to the sun's path from east to west. This will result in these plots and their gardens being in permanent shadow all year round.
- Although in outline no sections have been provided with the application to demonstrate the impact of this relationship and as to justify if the proposal could in anyway be considered to be acceptable in planning terms.
- It appears that the distance from the proposed block to the side elevations and rear gardens is around 12 meters. This would not be considered acceptable between two storey homes situated gable to frontage, where a distance of around 21 metres is widely accepted as the normal distance. Here a 12 metre separation distance it is proposed between a five storey block and a 2 storey home this is unacceptable.

Traffic and Access

- Previous comments made by Shropshire highways with regards to further development on this corridor into the town centre recommended that no further large developments take place on this corridor until the North West relief road is constructed.
- 48 units will bring in excess of 75 vehicles entering and exiting the site

leading to additional traffic congestion in this area at peak times which is currently awful.

- Currently many vehicles from the existing row of terraces park their vehicles in the area currently in ownership of the developer and have done for many years this will need to be addressed before planning is granted for a development of this scale.
- The development will add even more traffic to a road which is already struggling to cope with congestion, particularly at work/school times. This will already worsen as a result of the Redrow development and to add more housing will push traffic flow from mere congestion into almost continuous severe delays.
- There is no bus serving this section of the Ellesmere Road.
- This development proposes 96 car parking spaces which will obviously add to the current major traffic congestion between Chester Street and Battlefield Enterprise Park.
- Traffic on Ellesmere Road and consequent additional congestion, noise and air pollution will be increased by this development. It will adversely affect highway safety and the convenience of road users on Ellesmere Road which is a key artery into / out of Shrewsbury with the development seriously impeding the natural flow of traffic. There is very little public transport available along Ellesmere Road - it is not served by a frequent bus route nor is it a safe road for cyclists due to the number of cars parked along the road (the proposal only deals with a small number of these next to the site) and lack of cycle lanes. The only way most residents will be able to get into town is by car, further causing congestion (it is a ~30 minute walk into town which will put off many people from walking). A junction to enter/exit the development would undoubtedly slow traffic. Pupil drop off / pick up time at the school opposite already causes traffic gridlock on Ellesmere Road/Hemsworth Way.
- The Highways Department has already acknowledged that Ellesmere Road is already overloaded as we, as residents, are all too aware. The additional traffic on Ellesmere Road and resulting further congestion will again be significantly increased by this development and therefore exacerbate the existing traffic problems. Even with the proposed 'ghost junction', the proposal will adversely affect safety on Ellesmere Road which is now a primary traffic artery for Shrewsbury, used increasingly by Emergency Services vehicles. Currently there is minimal public transport in this area of Shrewsbury and therefore, despite the site's location near to the centre of town, the new development will add significantly to increased vehicle numbers using Ellesmere Road.
- The proposed access to the site will create a bottleneck if any vehicles bigger than a car meet at the pinch point. Ellesmere Road is used increasingly by lorries, emergency vehicles, horse boxes etc so any extra obstacles to the traffic flow will cause major issues.
- Development needs to be curtailed until the North West relief road is built, otherwise this part of Shrewsbury will become gridlocked following massive expansion of the Battlefield Enterprise Park and the other large scale residential developments recently approved.
- What will happen to the existing access to the rear of the terrace? This provides off-street parking reducing obstruction to traffic using Ellesmere

Road.

Ecology and Environment

- The proposed site was cleared despite documents in the planning applications for Lovell's and Redrow clearly showing that the pond and surrounding area was a sensitive site due to the presence of Great Crested Newts. It's surprising and unfortunate that this developer didn't read these planning applications before trashing the excellent habitat that supported the newts. The workmen continued to clear the site despite being informed that the protected newts were present. Work only stopped when the wildlife officer from West Mercia Police attended. Unfortunately, by this time much of the habitat had been destroyed.
- It was our understanding that there was to be a preserved green area and pond development when the first housing development was proposed - that seems to have been completely squeezed and marginalized now, and I object strongly to this lack of concern about environmental considerations.
- The proposals lack natural spaces, and there seems to have been little thought given to wildlife or encompassing gardens or green areas for the residents of the proposed flats. Should these properties be marketed at families where would children or any of the residents have access/provision to outdoor space? Paved areas are unyielding and will lead to further flooding during bad weather as the water is unable to soak into the ground. The pond at the bottom of the proposed building site regularly floods during the winter, the Redrow development will be further supplementing to this as it will be an outlet for their surface water drainage. The ecological report for the Redrow development also listed a number of serious ecological concerns (e.g. bats, Great Crested Newts), which I would assume would also apply here, yet these potential concerns have not been addressed by the proposals.
- Three surveys carried out in the spring revealed that the pond contains great crested newts.
- The pond and wetland covers a third of the site, has been expanding for years and is a haven for wildlife.
- The loss of further green space to housing development and the associated loss of visual and environmental amenity of the neighbourhood will have a negative impact on us all.
- The current proposals will destroy what little remaining natural space there is in the area. There has been minimal thought given to preserving the existing wildlife habitats. As we all know, the pond at the bottom of the proposed site regularly floods during the winter and with the additional load coming from the approved adjoining development this will potentially cause further difficulties to the wildlife in this area.
- The total discard shown to the ecology of the site prior to submitting the planning application and its design which is completely at odds with the local architecture does not bode well for the local residents if this application is granted.
- Destruction of the frontage hedgerow which will harm local wildlife.

Flooding

- The site has a natural pond located at the bottom which has recently been banked up from landfill at the site. This has historically always flooded the areas to the rear of the row of terraces on the Ellesmere road where proposed parking for some of the units will be. The adjacent Redrow site are using this natural pond for some of their surface water runoff.
- Further building will mean that former fields and woods in the area that have disappeared are no longer available to absorb heavy rainfall.

Infrastructure

- The local primary school is at full capacity before the Redrow development and Lovell development have even been completed.
- There is no secondary school in this area to serve all of the recent residential developments approved and proposed.
- Existing amenities such as the number of school places at Greenfields, are already under pressure from the Redrow development and will not cope with even more development.
- It was our understanding that the Redrow development represented the limit of building work being considered without the north-west relief road being built - clearly any new build would take the area's capacity to cope well beyond this. I have already lobbied relevant councillors to support these objections and will continue to do so. These new plans are in danger of turning our end of town into a complete no-go area in terms of transport, environment and amenities.
- There have recently been approved plans and construction started for 222 new homes in the immediate vicinity, with both the Redrow and Lovell developments. I don't believe the local infrastructure can support another 48 high density new homes in such a small space of land.
- The site is, we understand, designated for possible future use when the necessary infrastructure (e.g. NW Relief Road, Schools, Transport, Healthcare, etc.) is in place to support further development. Why are the SAMDev plans being ignored? If these are ignored time and time again what is its purpose?
- The recently approved plans and on-going construction of over 200 new homes in this area are already having a serious impact on the neighbourhood. Clearly the local infrastructure was not planned and currently cannot sustain another high density development of this nature at this time.

Comments received concerning the amendments:General

- We continue to object to this proposal as the issues raised in our previous comments on the development still stand. None of the extensive work that has clearly been carried out for the amended scheme addresses the

fundamental reasons for rejecting this over development of this site and the area in general.

- Serious concerns over whether the existing infrastructure can cope with the additional residents this proposed development will bring. The local primary school is at capacity and secondary school is cutting numbers by 25%
- This proposal is contrary to the SAMDev prepared for and accepted by the Council.
- It will result in poorer air quality generated by extra vehicle movements.
- It will place greater burdens on sewers and the flood plain.
- What contributions are to be made towards Greenfields School which is currently at capacity?
- The proposals for high density housing in a multi-storey apartment style are significantly different to neighbouring houses, and given the small size of the site would clearly represent an overdevelopment.
- Ideally this site should be kept as is - it is one of the few green spaces for wildlife in an already highly developed area of Shrewsbury. If this site is ever to be developed, it would need to be far lower density (e.g similar to the adjacent Lime Tree Meadows development).

Transport and Traffic

- We continue to be extremely concerned at the existing traffic conditions on Ellesmere Road and the additional pressures that this project, and the still to be completed residential developments off Ellesmere Road, will have on the area.
- We observe that the Scoping Note produced by Phil Jones Associates to justify this scheme is based on a traffic survey carried out in 2013 with an applied "national growth factor". In our experience of living on Ellesmere Road for the past 22 years these calculations in no way accurately reflect the current existing traffic conditions even before the situation is further exacerbated by the addition of the traffic that will be generated by the developments at Limes Walk and Abbey View.
- The HGVs that now use Ellesmere Road, and particularly the heavy aggregate haulage lorries that are now using this route between Haughmond Hill and the railway sidings, have clearly not been accurately reflected in the calculations!
- There are already two current developments which have had a major impact on the traffic flow of Ellesmere Road as well as the increased housing in Coton Hill. This is before the development is fully occupied.
- The proposed development is directly opposite the school which already creates parking and traffic issues daily. Further residential development, certainly on this scale, will significantly increase journey times and air pollution next door to a primary school.
- Already severe traffic jams on Ellesmere Road and this development will only worsen that problem leading to delays to emergency vehicles and risk to school children.
- What road improvements will be made as regularly at peak times this corridor leading into the town centre backs up with traffic as far back as Herongate?
- Ellesmere Rd already experiences the worst traffic flow of any road in

Shrewsbury, particularly at peak times, due to the narrow railway bridge at the bottom. It cannot sustain what it already has, never mind when the new housing is completed and fully inhabited. In addition, during quieter times and at night, the lack of speed cameras leads to vehicles travelling at ridiculous speeds. The accident rate for the road over the last few years is poor, and will only get worse the more vehicles needing to use it.

Flood Risk

- There is a substantial pond that is known to rise significantly (this will be exacerbated by the Redrow development when completed given surface water run-off into the shared pond), looks extremely high risk in this regard.
- There is a major issue with flooding on the proposed site, and that the surrounding developments of over 200 units has also added to the problems of surface water backing up in this location.
- Local flooding will only get worse once surrounding developments are completed, and I would be interested in how the developer proposes to deal with this.

Impact on Residential and Visual Amenity

- The proposed balconies on block A will look directly down on to the neighbouring Redrow homes, impacting their right to privacy. The windows (many of which are almost floor to ceiling) on the north side of block B will also look directly into the Redrow homes.
- The scale of this site is completely out of keeping, both in terms of height, scale and materials, with the Victorian terraces adjacent to this development.
- This visual impact along a main gateway to Shrewsbury Town Centre also creates a poor initial visual impression for the town, contrary to the Council's aims to encourage tourism.
- The proposed design remains completely out of keeping with the neighbouring detached, semi-detached and Victorian terraced housing. For instance, no other properties in the immediate area have open balconies.

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THE MAIN ISSUES

The main planning issues concern the following:

1. Principle of development
2. Sustainable development
3. Impact upon the character and appearance of the area
4. Highways and Traffic
5. Impact on residential amenity
6. Impact on trees
7. Impact on biodiversity and ecology
8. Drainage and flood risk
9. Heritage impact
10. Contamination and Pollution
11. Developer Contributions

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| 6.0 | OFFICER APPRAISAL |
| 6.1 | Principle of Development |
| 6.1.1 | The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. |
| 6.1.2 | Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy and the adopted Site Allocations and Management of Development (SAMDev) Plan. |
| 6.1.3 | The National Planning Policy Framework promotes sustainable development and states that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted. |
| 6.1.4 | The relevant planning policies are contained in the adopted Core Strategy and SAMDev Plan. The application site lies outside the defined settlement boundaries for the County; therefore, the following Policies are considered to be most relevant. |
| 6.1.5 | Policy CS1 of the adopted Core Strategy sets out the strategic approach that will be used to guide and manage new development over the lifetime of the Core Strategy. The emphasis is on creating sustainable places that are socially inclusive and economically vibrant and which are resilient and adaptable to change. It will direct the majority of new development to places that already have good infrastructure, services and facilities. |
| 6.1.6 | Policy CS1 establishes a settlement hierarchy with Shrewsbury and the Shropshire Market Towns being the primary focus for new development. Other identified Key Centres will also accommodate growth with rural areas being catered for through the establishment of Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. The application site does not fall within Shrewsbury, the defined Market Towns, the Key Settlements or Community Hubs or Clusters. Outside of these settlements, new housing development within the countryside will be controlled and is intended to meet the needs of local communities for affordable |

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| | housing or other dwellings that justify a countryside setting. Development outside of these settlements will not be permitted unless it complies with Policy CS5. |
| 6.1.7 | Policy CS5 is concerned with new development in the countryside, especially in respect of new economic development, which will be strictly controlled in accordance with national planning policies. Housing should be located where it will enhance or maintain the vitality of rural communities and isolated homes in the countryside should be avoided unless there are special circumstances such as, <i>inter alia</i> , the essential need for a rural worker to live permanently at or near their place of work in the countryside. |
| 6.1.8 | The Core Strategy policies are complimented by the adopted SAMDev Plan, which provides additional detail to the over-arching policies contained in the Core Strategy. |
| 6.1.9 | The application site lies outside the defined settlement boundary for Shrewsbury and Policy MD7a of the SAMDev Plan is considered to be particularly relevant to this case. This policy is concerned with managing the development of land in the countryside for market housing and it clearly states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres, the Community Hubs and Community Clusters. Outside of these areas, exception site dwellings such as affordable housing to meet a local need and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. In other instances new development will not normally satisfy the exception test and should not be approved. |
| 6.1.10 | Pragmatically, it could be argued that the application site has a stronger relationship with Shrewsbury urban area rather than with the wider rural area, now that the recently approved developments to the north and west have been substantially completed. The terraced housing to the south, the new development to the west (Lovell's site) and the development on the opposite side of the road all lie within the defined settlement development boundary. For all intents and purposes, it appears to be contained within the urban area of the town. This is recognised in the consultation response from the Planning Policy Team above. However, as they explain, this enclosure of the countryside into the townscape is not an uncommon feature within the town of Shrewsbury. The townscape is characterised by 'wedges' of open land within its built form and some of these areas penetrate deep into the town with many becoming part of the urban 'green' infrastructure. |
| 6.1.11 | The Policy Team consider the application site has the potential to perform this function especially as it is already designated within the environmental network for Shrewsbury. The application site extends to 0.8 hectares and visually, is not entirely contained by the surrounding built development. The view from the undeveloped road frontage along Ellesmere Road provides an open aspect into the surrounding countryside especially as the site slopes downwards away from Ellesmere Road. It is considered that if the application site remained undeveloped, it would continue to form part of the environmental network and would merit the protection of Core Strategy, Policy CS17. However, this should be tempered by the reality that the roadside boundary is mostly lined with a mature hedge and trees |

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| | that obstruct public views over the site. Only a small part of the frontage is open where the access drive enters Ellesmere Road adjacent to the terraced dwellings to the south. |
| 6.1.12 | The principle of residential development on this site remains contrary to the adopted development plan. It will be necessary for the developer to demonstrate other material planning considerations that outweigh the fact that the site lies outside the settlement. |
| 6.1.13 | Policy S16 of the adopted SAMDev Plan sets out the settlement policy for Shrewsbury. It states that appropriate development and redevelopment that accords with the Strategy contained in Policy CS2 will be encouraged on suitable sites within the town's development boundary, which is identified on the Policies Map. |
| 6.1.14 | Policy CS2 states that Shrewsbury will be the primary focus for new development providing around 25% of additional housing for the Plan period 2006-2026 (approximately 6500 new homes). The Shrewsbury Northern Corridor within which the application site lies will be improved in accordance with the aims of the Northern Corridor Regeneration Framework. In terms of housing development, the priority is to make the best use of previously developed land within the built up area. Policy S16 makes it clear that new housing development will be delivered through a combination of existing brownfield sites and a range of new greenfield sites, including both sites allocated for development and those that represent windfall opportunities. |
| 6.1.15 | The development plan policies expect new market residential development to take place within the settlements rather than outside of them. Exceptions to this may be acceptable through MD3 where the housing guideline for the settlement is unlikely to be realised, subject to the requirements of Policy CS5. The Plan is only halfway through its lifetime and there is no evidence that demonstrates the guideline of 6500 new dwellings within Shrewsbury will not be delivered through the adopted strategy. |
| 6.1.16 | Policy MD3 of the SAMDev Plan, amongst other things, supports sustainable housing development on sites not allocated for development having regard to other local plan policies. It confirms that the housing guideline figures for settlements are a significant policy consideration and states that, where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries may be acceptable. |
| 6.1.17 | The exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the S16 guideline figures not being met, is not applicable at the present time. However, it should be acknowledged that not all land that is envisaged for new development will come forward during the course of the Development Plan. As such, the Framework calls for greater choice to be made available in case of obstructed supply. |
| 6.1.18 | In terms of housing land supply, the Council's position (as published in an amended |

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| | Five Year Housing Land Supply Statement on 31 st August 2016) is that it has identified a housing supply of c.5.97 years for Shropshire which is sufficient to address the Framework's 5 year housing land supply requirements. |
| 6.1.19 | The policy position is relatively clear and the proposed development is not in accordance with it. In principle, therefore, there is no obvious policy support for the proposal. |
| 6.1.20 | As the Council is also able to demonstrate more than a five year supply of housing land and, in respect of paragraph 49 of the Framework, its policies for the supply of housing are considered to be up to date. The proposals are not consistent either with the limited exceptions set out in paragraph 55 of the Framework. It is concluded, therefore, that the principle of the proposed development is inappropriate for the above reasons. |
| 6.1.21 | However, as mentioned in paragraph 6.1.2, simply because a development proposal does not accord with the development plan does not mean that it should be automatically refused planning permission. If there are other material planning considerations that weigh in the development's favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals. |
| 6.2 | Whether the development constitutes Sustainable Development |
| 6.2.1 | Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the Framework states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is contrary to the development plan policies set out in paragraph 6.1.18 above. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan. |
| 6.2.2 | One important material consideration is the Framework which establishes there are three dimensions to sustainable development, namely an economic role, a social role and an environmental role. The nearest settlement is the town of Shrewsbury which, being the main settlement in Shropshire, has significant sustainability credentials. The application site is situated close to the edge of the town and is considered to be in a relatively sustainable location. It is possible to access local services, shops and other facilities, including public transport, reasonably easily without having to rely upon private transport. The benefits/mitigating factors of the scheme are discussed below. |
| | Economic Role |
| 6.2.3 | The Framework states that significant weight should be placed on the need to support economic growth through the planning system. The delivery of housing is a |

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| | contributor to economic growth. The proposal would provide construction jobs, New Homes Bonus, increased council tax payments, and additional local expenditure by future residents, although none of this has been quantified. Nevertheless, these are considered to weigh in favour of the development. |
| 6.2.4 | However, as illustrated in a number of recent appeal decisions in Shropshire concerning new residential development in the open countryside, Planning Inspectors concluded that such benefits would be common with developments situated within the development boundary in any case and are not, in themselves, considered to carry substantial weight. Something above and beyond the minimum required or expected under policy and guidance would therefore appear to be necessary to tip the balance in favour of such development. |
| 6.2.5 | Initially, the proposed development offered nothing more than the minimum expected. Although little has been quantified in the applicant's submissions, there will be economic benefits in the form of new construction work that will have spin-offs for builders, suppliers and professions related to the construction industry. There will also be additional Council Tax generated for the local authority, CIL payments for infrastructure improvements as well as New Homes Bonus income. However, as mentioned above, new development taking place within the settlement boundary would deliver the same benefits and it is necessary for a proposal that is contrary to policy to offer something more that may tip the scales of sustainability in its favour. In this case, the applicant is offering £45,000 towards the delivery of the North West Relief Road. |
| 6.2.6 | This offer is above and beyond what would normally be expected and therefore carries some weight in economic terms. |
| 6.2.7 | <p>Social Role</p> <p>Paragraph 69 of the Framework states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.</p> |
| 6.2.8 | In social terms the proposed development would provide 38 dwellings of which 20% would be affordable homes (7 dwellings plus an additional financial contribution of £45,900), in order to meet the requirements of CS11 of the adopted Core Strategy. The precise tenure of these units has yet to be finalised and will be determined at the reserved matters stage should outline planning permission be granted. The proposals have received the support of the Housing Officer in that regard. This overprovision, therefore, also carries weight in the planning balance. |
| 6.2.9 | Policy CS6 requires development that is likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. For reasons explained above it is considered that the proposed development would meet this requirement. In addition, the proposals will provide 9 off-street car parking spaces for use by existing residents of the dwellings to the south on Ellesmere Road. |

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| 6.2.10 | The third requirement is for new development to be designed to be adaptable, safe and accessible to all and to respond to the challenge of climate change and to adapt to lifestyle needs over the lifetime of the development. There is no reason to believe that the development could not be designed to meet these requirements and there is no objection to the scheme on this basis. |
| 6.2.11 | This remains a predominantly open market-led housing development on a site that lies outside the defined settlement boundary. The adopted Development Plan includes a set of policies that would lend support for a residential development outside but close to the edge of the settlement but it would have to provide 100% affordable housing that meets an identified local need. The current application is not such a scheme and is therefore not compliant with Policies CS5, CS11, MD3 and MD7a. Nevertheless, the proposed development would provide some social benefits which should be attributed some weight in the planning balance. |
| 6.2.12 | <p>Environmental Role</p> <p>(i) Design, Layout and Scale</p> <p>The application is in outline form with only landscaping a reserved matter for future consideration. It is accompanied by a layout plan that shows how the site will be developed. The scheme has been amended several times since the initial submissions. It has been significantly reduced in size with two of the three blocks repositioned on the site to overcome specific issues. The design has been altered to take account of the presence of neighbouring residential properties by omitting balconies and side windows that would have resulted in overlooking. The reduction in the numbers of chimneys has produced a less complicated appearance that also masks the bulk of the buildings which are larger than their neighbours. The frontage now reflects more closely the domestic scale of neighbouring two storey development and incorporates a range of dormer windows similar to others in the surrounding area. Compared to the original design the current scheme is considered to be more in keeping with its setting.</p> |
| 6.2.13 | In reducing the density and scale of development, more space has been created around the three blocks which has helped reduce the sense of overdevelopment that afflicted the initial proposals. The reduction in car parking and hard surfaced areas on the site has further assisted in this respect. It is considered that the amended proposals strike an acceptable balance and accord with the general thrust of Policies CS6 and MD2. |
| 6.2.14 | <p>(ii) Landscape</p> <p>The application site lies within the open countryside, albeit on the edge of the settlement of Shrewsbury. The site slopes from east to west towards the existing pond. It is predominantly covered in grass with the pond occupying the north western part of the site. The northern boundary lies adjacent to a new residential</p> |

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| | development under construction by Redrow Homes and the eastern boundary is marked by a semi-mature hedge. The access to the south serving the rear of the terraced properties affords views into the site from Ellesmere Road. |
| 6.2.15 | For sites that lie outside settlements Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies. |
| 6.2.16 | The site is currently undeveloped and appears historically to have been farmland. The new development will change that appearance and in doing so would not protect or conserve the natural environment locally. It retains a distinctly rural character and appearance and development of this site would adversely affect its rural character. Its development will alter its current appearance. |
| 6.2.17 | An important document in respect of assessing the landscape impact of the proposal is the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study (2007), which resulted from a commission in respect of a landscape sensitivity and capacity assessment for defined areas around the main settlements of the Borough. It also provided an information source in support of the local development framework. Overall, the study found that there were different patterns of sensitivities around Shrewsbury compared to the other settlements, with the latter being generally more sensitive and with less capacity for development. Areas of higher sensitivity and lower capacity have tended to be those of intrinsically higher value or in open countryside, associated with conservation areas or listed buildings, in valley corridors, on steep or prominent slopes or those forming gaps between settlements. |
| 6.2.18 | The application site is listed as being in the southern part of a much larger area designated 'Shrewsbury Zone 17'. It is described as an area of land lying on the western side of a gentle ridge consisting of small scale pasture to the south with arable to the north (now being developed by Redrow Homes) bordering the Bagley Brook valley. Fields are relatively open with low hedges or fences and sporadic trees. The majority of existing development lies to the east of Ellesmere Road although a small estate and ribbon development lies to the west. The area to the south is in a relatively poor condition. |
| 6.2.19 | Sensitivity is taken to mean the sensitivity of the landscape itself to change irrespective of the type of change which may be under consideration. Capacity is taken to mean the ability of a landscape to accommodate different amounts of change for a development of a specific type, such as housing. The landscape sensitivity of Zone 17 is categorised as being Medium, the key characteristic of which is a landscape susceptible to change and which has value as a landscape resource. |
| 6.2.20 | The capacity of Zone17 to accommodate residential development is Medium, which |

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| | means the thresholds for change are intermediate with some ability to accommodate development in some parts. The Study considered the site to have “some capacity for housing in the south”, due to its less sensitive characteristics. |
| 6.2.21 | Importantly, the application site is located within this less sensitive area and in principle the site could be developed for residential purposes (subject to appropriate design, scale and layout) without causing material harm to landscape sensitivity. The site equates to the retained vestige of the wider Zone 17 area, following the approval of new residential development on the land to the north. Nevertheless, the Capacity and Sensitivity Study does envisage some development taking place on the site without introducing an intrusive change to the otherwise semi-rural appearance of the area. |
| 6.2.22 | The proposed development will alter the existing character of the area by introducing new built form, lighting and additional residential paraphernalia. That being the case, the Landscape Sensitivity and Capacity Study that informed the SAMDev Plan and has concluded that the application site is capable of accommodating new development without adversely affecting the undeveloped character of the area. This needs to be balanced against the general aims of the over-arching but non-site specific policies CS6 and MD2. |
| 6.2.23 | In addition, the landscaping proposals for mitigating the effects of the development on this green field site remain a reserved matter for future consideration. However, it considered that a bespoke scheme that integrates with the strategy necessary to improve biodiversity enhancements across the site will be capable of adding environmental value to the development. |
| | (iii) Impact on Residential Amenity |
| 6.2.24 | The application is submitted as an outline proposal but only landscaping is a reserved matter. The design and appearance of the development are matters to be considered as part of this application. |
| 6.2.25 | Policies CS6 and MD2 require new developments to respect their surroundings to ensure they do not cause unreasonable effects upon the character of the surrounding areas. This approach involves ensuring that the amenities of occupiers of existing development are also taken into account. |
| 6.2.26 | Block A is located close to the new dwellings to the north on the Redrow Homes development. There are two dwellings on the southern edge of this development that are particularly affected by this proposal. Plot 68 contains a two storey detached dwelling house set back from Ellesmere Road within the site. It is accessed from within the site and it faces west so that its rear garden faces east towards Ellesmere Road. The side elevation of this property faces across the application site but is blank. The rear elevation contains a centrally positioned pair of patio doors serving the dining room flanked by windows on either side serving the lounge and kitchen. The rear garden is bordered with a 1.80m close boarded fence. |

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| 6.2.27 | The dwelling is set at a lower ground level than Block A which will be a full three storeys in height with additional living accommodation within the roof at the rear and a set of external balconies at first and second floor levels. The degree of separation from the house on Plot 68 is approximately 22m and approximately 12m from the corner of the private curtilage. Previously, it was considered that the occupiers of that dwelling would be likely to experience the perception of being overlooked by Block A. This has now been reduced through the removal of the external balconies and the obscure glazing treatment applied to the windows in the flank wall of Block A. |
| 6.2.28 | Block A would also potentially affect the dwelling on Plot 69. This detached dwelling house is set a similar level to Block A but its rear garden steps back down the slope and the dwelling is set only 5m or so away from Block A. There is a range of windows on the side wall of Block A serving habitable rooms (kitchen/living rooms) at each floor level and these would directly overlook the side and rear of Plot 69. Following negotiations, these windows will be obscure glazed which will prevent overlooking of that dwelling house. In addition, the removal of the external balconies on the rear will help avoid direct overlooking of the rear garden area. |
| 6.2.29 | The amended scheme has relocated Block C towards the site frontage from its previous position which would have had an adverse impact on the amenities of the immediate neighbour to the south. The revised arrangement together with obscure glazing to the side windows has largely overcome that effect and is considered, on balance to be more respectful and less harmful to their outlook and amenity. |
| 6.2.30 | The amendments have also reduced the size of Block B at the rear and resulted in it being resited further away from the Redrow and Lovell's developments. A sectional drawing has been provided that demonstrates the relative heights of the Redrow and proposed buildings. The block is now approximately 21 - 23 metres away from the nearest dwellings on the Redrow Homes site. These amendments show the degree of separation to be acceptable and, with the removal of the external balconies from Block B, the impact of potential overlooking is reduced to an acceptable degree. The two dwellings most affected within the Redrow scheme also have end elevations facing the application site with no windows serving habitable rooms affected. The impact is further lessened by the reduction in the projection of the block. The dwellings on the Lovell's site to the west are on higher ground on the opposite side of the pond. The degree of separation and elevational differences mean there is unlikely to be any loss of privacy or loss of light arising from the development. |
| 6.2.31 | The Public Protection Officer has commented that the future occupiers of the apartments, especially in those facing Ellesmere Road, are likely to experience noise disturbance. He has recommended mitigation through a system of glazing and ventilation to be installed into each habitable room, the precise specification for which shall be submitted to the local planning authority for approval in writing prior to the installation of any windows into the structure. The glazing and ventilation should provide at least a 30 dB reduction between the internal and external fabric of the building and shall be incorporated into all windows into habitable rooms. |
| 6.2.32 | It is considered that the proposals can be designed to provide satisfactory amenity for existing and proposed residents in accordance with Policies CS6 and MD2. |

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| | (iii) Highways and Traffic Safety |
| 6.2.33 | Policy CS6 of the Core Strategy states that new development should accommodate additional traffic safely and make appropriate provision for access to public transport and other alternative means of transport to the car. Paragraph 32 of the Framework states that decisions should ensure safe and suitable access to the site can be achieved, opportunities for sustainable transport modes have been taken up and improvement can be made within the transport network that cost effectively limits the significant impacts of the development. The Framework clarifies that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe’. |
| 6.2.34 | The site will generate new traffic within the surrounding road network. The existing traffic flows along Ellesmere Road, an important arterial route into and out of the town centre, are relatively high. The site is close to the key intersection at Ellesmere Rod/Chester Street and Castle Foregate to the south. A considerable number of objections have been received from within the local community on this issue alone. |
| 6.2.35 | A brief Highway Access Statement accompanied the initial application and was assessed by the Highways Officer. The site will be served by a new vehicular access off Ellesmere Road. A right turn ‘ghost island’ is proposed. The existing parking bays on the road outside the adjacent terraced houses are to be removed and the bus stop retained. These parking bays will be replaced within the new development for use by existing residents. The site will provide an amended total of approximately 72 car parking spaces, including nine for existing Ellesmere Road residents, which is considered to be acceptable. The Highway Authority was initially critical of the Statement which did not provide any traffic counts for Ellesmere Road nor included any visibility splays at the entrance. |
| 6.2.36 | Following discussions with the applicant, a revised Statement was submitted and this has now received the approval of the Highway Authority. The reduced scale of the development and the addition of visibility splays has largely overcome the earlier concerns. The applicant has confirmed that there will be a financial contribution towards provision of a controlled pedestrian crossing on Ellesmere Road close to the site and the primary school and this will need to be secured through a S106 agreement. The Highway Officer has calculated that this may be reduced to reflect the lower number of apartments now proposed. The revised figure is £25,333 and will also be secured via the S106 agreement. |
| 6.2.37 | The Highways Officer has suggested a small number of specific planning conditions which should be added to any grant of outline planning permission. Subject to those, there is no objection to the proposals on highway grounds. |
| | (v) Impact on Biodiversity and Ecology |
| 6.2.38 | The Framework places high importance on protection of biodiversity interests and |

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| | <p>new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.</p> |
| 6.2.39 | <p>The site contains an important natural asset in the form of a pond which has been recorded as supporting a medium population of Great Crested Newts (GCNs). There has been an extensive series of negotiations and submission of additional ecological information that has also involved Natural England involving the issue of accommodating the newts. A number of specific reports and surveys have been provided by the applicant and these have been assessed by the Council's Ecologist and by Natural England.</p> |
| 6.2.40 | <p>The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:</p> <ul style="list-style-type: none"> • There is no satisfactory alternative; and • The development is in the interests of public health and safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. |
| 6.2.41 | <p>Development works that would contravene the protection afforded to European Protected Species, such as bats and Great Crested Newts, requires a Habitats Directive Licence and these applications are considered by Natural England on behalf of the Secretary of State. Before such a licence can be granted, several tests must be satisfied. Local planning authorities must also consider these tests prior to determination of the application. Authorities would risk breaching the requirements of the Directive and Regulation 9 (5) if the three tests were not considered during the determination of the application. The three tests and the relative assessments are considered below.</p> |
| 6.2.42 | <p>Test 1: “that there is no satisfactory alternative”</p> <p>The site is a largely undeveloped parcel of land located in the countryside on the edge of the largest settlement in the county. It has not been allocated for any specific use in the adopted local plan. The local planning authority is currently able to demonstrate a 5 year housing land supply, as required by the Framework.</p> |

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| | <p>However, the Framework requires other material planning considerations that may weigh in favour of the development to be assessed in the planning balance. The assessment has been set out above in this report. The land to the north and west has recently been developed for housing and the site is now a relict of what once had been a substantial tract of open countryside. There are a number of allocations contained within the local plan for new housing development but these are primarily to the south and west of the town. Within the area around the application site there are no other similar sized land parcels capable of delivering new residential development of similar scale. The proposed development would make a modest but important contribution towards meeting the Council's housing requirements. As such, it is considered that no other satisfactory alternatives exist and the first Test has been satisfied.</p> |
| 6.2.43 | <p>Test 2: 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?</p> <p>The development will not cause harm to interests of public health and safety, subject to the recommended suite of planning conditions and completion of a S106 obligation. It will also deliver a range of economic and social benefits, all as explained in detail in this report.</p> |
| 6.2.44 | <p>The proposed development would affect some identified features of nature conservation value, as explained in the Ecologist's observations. However, as described within the supporting Ecological Report, enhancements within the site area would not only serve as compensation but would also enhance habitat and landscaping features in the locality, benefiting the local protected species as a whole, in particular the bat and Great Crested Newt population.</p> |
| 6.2.45 | <p>Therefore, it is considered that although the construction period may temporarily harm habitats and species, any such harm could be managed and the long term landscaping strategy would result in acceptable enhanced and replacement habitats to the benefit of the local environment.</p> |
| 6.2.46 | <p>The assessments carried out by the applicant submitted with the planning application have been carefully assessed by the Ecologist and Natural England and it has been concluded that the development will not cause unacceptable harm to any statutory or non-statutory designated nature conservation sites. The proposal therefore accords with the provisions of the Conservation Regulations 2010 and the relevant advice and guidance set out in the Framework. Therefore, it is considered that the third Test has been satisfied.</p> |
| 6.2.47 | <p>Test 3: "the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range"</p> <p>The Council's Ecologist's comments are set out in detail above. She informs us that a Natural England European Protected Species Licence will be required prior to the commencement of development. A system for the avoidance of harm to the GCN</p> |

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| | <p>population has been identified and which has to be implemented, namely:</p> <ul style="list-style-type: none"> • Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees Temporary Amphibian Fencing Permanent log piles will be created to the south of the pond, acting as an area for translocation • Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture |
| 6.2.48 | <p>In order to mitigate for the loss of great crested newt habitat, agreement has been reached on the following strategy;</p> <ul style="list-style-type: none"> • The total area of the development is 0.8 ha, of which the pond makes up 0.211 ha and hard-standing makes up 0.078 ha. • All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148 ha of dense ruderal and grass habitat around the edges of the pond) and 0.042 ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction. • Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating GCN. • A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary |
| 6.2.49 | <p>The proposal within the 0.8 ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078 ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.</p> |
| 6.2.50 | <p>In order to enhance the site and mitigate for the loss of great crested newt habitat, the following steps are required to be taken;</p> <ul style="list-style-type: none"> • Enhancements to the pond • Improved terrestrial habitat around the boundaries • Drainage during and post construction will ensure the water table and pond will not be effected • The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other that for monitoring or management purposes. |
| 6.2.51 | <p>Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove</p> |

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| | them. |
| 6.2.52 | Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and that a licence from Natural England is likely to be granted. |
| 6.2.53 | The Ecologist in conjunction with Natural England has recommended a series of planning conditions related to biodiversity interests. Subject to these being included on a grant of planning permission there is no objection to the proposals on ecological grounds. |
| | (vi) Trees and Woodland |
| 6.2.54 | The site is bounded along the road frontage by a mature hedgerow and some semi-mature trees which will have to be removed in order to accommodate the development. Within the main part of the site itself there are no trees or hedges although there is some scrub around the fringes of the pond and some trees which could be affected located to the south along the access track to the back of the existing Ellesmere Road dwellings. However, the physical development associated with the proposals does not appear to extend as far back into the site as the existing trees to the south, the scrub around the pond or the broken hedge line to the north. The building is set back from the pond and northern boundary and the access track to the south follows the existing unmade track at the back of the Ellesmere Road dwellings. |
| 6.2.55 | The hedge line and semi-mature trees along the roadside will be removed as part of the development. This hedge forms an important natural feature on the roadside and is a continuation of the hedge line that fronts the Redrow Development and which has been largely retained along the frontage of that development. It is a notable feature of the western side of Ellesmere Road from the development site northwards. |
| 6.2.56 | Due to the sloping nature of the site and the constraints posed by the retained pond at the rear, it will be almost impossible to retain the hedge as part of this development. The lay out plan show some compensatory planting along the frontage. However, there is no doubt that the development will transform the roadside in this location. It will follow a similar pattern established by the existing terraced properties. The difference is the proposals will be recessed from the roadside thereby enabling a softening of the urban impact through a degree of planting and landscaping. The loss of this hedge weighs negatively in the planning balance but this needs to be considered against the benefits of the scheme, including the additional biodiversity benefits such as the creation/enhancement of GCN habitat in and around the pond. Whilst the hedge is of some local importance, the development will result in a small proportion of the overall hedge being lost. On balance, this is not considered to be sufficient to justify a refusal of planning permission in its own right. |
| | (vii) Flooding and Drainage |

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| 6.2.57 | Policy CS18 ‘Sustainable Water Management’ of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. |
| 6.2.58 | The application was accompanied by a Flood Risk Assessment and the site is considered to fall within Flood Zone 1, which is the least susceptible to flood risk. The finished floor slab level of the development will be at least 54.00m above ordnance datum in any case, which is the recommended 600mm ceiling over the modelled flood level. The FRA and application form state that the foul drainage will be connected into the existing foul sewer with surface water disposal being via a soakaway system. |
| 6.2.59 | The Drainage Engineer has considered the proposals and has concluded that the Flood Risk Assessment submitted with the application is acceptable and a number of conditions have been recommended for inclusion on a grant of outline planning permission, as set out in Section 4 above. It is concluded that the site can be safely drained and serviced without giving rise to unacceptable risk of flooding. |
| | (viii) Historic Environment |
| 6.2.60 | The site does not lie within a conservation area or an area of archaeological significance. Nor does it contain any listed buildings and nor would the proposed development result in an adverse impact on the setting of a heritage asset. There is no objection to the proposal on heritage grounds. |
| | (ix) Land Contamination |
| 6.2.61 | The Framework places significant emphasis on minimizing pollution risks and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any remediation proposals. Policy CS6 of the Core Strategy requires all development proposals to take proper account of potential hazards and to undertake necessary remedial measures to ensure that development is safe. |
| 6.2.62 | The Public Protection Officer has considered the contents of the Contaminated Land Report submitted with the application and has concluded that the site could have potential contaminants, especially as high levels of CO2 were recorded in one location on the site. The report recommends further investigation of this area and this is endorsed by the Officer who has recommended a suitable condition. Subject to this approach it is considered that the proposals are acceptable. |
| | (x) Developer Contributions |
| 6.2.63 | Policy CS9 and CS11 of the Core Strategy seeks to secure provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant is offering to exceed the required 10% contribution by providing 20% in the form of 7 dwellings on the site and an additional financial contribution of £45,900. The nature of tenure split and |

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| | management will be determined at the reserved matters stage and will meet the Housing Officer's requirements. This will be delivered through a Section 106 planning obligation. |
| 6.2.64 | Furthermore, the applicant has responded to requests for a contribution towards the North West Relief Road and has offered a payment of £45,000. In addition, there is also a contribution of £25,333 to be made towards provision of a new pedestrian crossing near the school on Ellesmere Road. These will also be secured via the S106 obligation. |
| 6.2.65 | It is considered that the above contributions are in line with the provisions of policies CS9 and CS11. |
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| 7.0 | CONCLUSIONS |
| 7.1.1 | Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 7.1.2 | The relevant local plan policies are set below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development lies outside the built-up edge of Shrewsbury in open countryside. As such, it fails to comply with Policy CS5 of the Development Plan. However, the assessment of planning merits requires consideration of other material factors that may, in certain circumstances, tip the planning balance in favour of the proposals. In order to be considered favourably, the proposals must deliver significant benefits across the three elements of sustainable development. |
| 7.1.3 | It is the applicant's view that the scheme will deliver a number of benefits which would outweigh the policy presumption against the proposal. These benefits, as identified by the applicant, are: redevelopment of a landlocked site close to the edge of the built up part of the town; erection of 38 new homes including twice as many (20%) affordable homes as required by policy; provision of new off-street car parking bays for existing dwellings on Ellesmere Road; a financial contribution towards funding the North West Relief Road and a pedestrian crossing on Ellesmere Road; and an enhanced habitat for Great Crested Newts around the existing pond. |
| 7.1.4 | The erection of a mix of new homes including affordable homes should not ordinarily be considered benefits of the scheme, but are rather necessary in planning terms to help mitigate the negative effects of the development. Such provisions would be required for any housing development subject to similar site constraints, regardless of whether the site lies within the settlement or outside and for which material considerations would need to be demonstrated to override any |

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| | policy harm. This approach has been followed by several appeal inspectors in recent months. What will be considered a genuine benefit is to what extent the development contributes above that minimum expectation. In this case, the amended scheme offers 20% affordable housing contributions and this is considered to be a benefit. |
| 7.1.5 | The new development would also make a contribution towards meeting the Council's housing aspirations for Shrewsbury and would assist in meeting the Government's ambition of boosting the supply of housing. |
| 7.1.6 | In addition, the proposals offer to enhance the quality of Great Crested Newt habitat on the site which should be regarded as an environmental gain and in accordance with Policy CS17. |
| 7.1.7 | Other benefits include CIL payments towards improving local infrastructure including local schools and New Homes Bonus, additional Council Tax payments in the future and financial contributions towards a new pedestrian crossing on Ellesmere Road and towards the North West Relief Fund. |
| 7.1.8 | The application site remains a greenfield site within the open countryside as defined in the Shropshire Core Strategy. The development of the site for housing would conflict with policies CS1, CS4 and CS5 of the Core Strategy and Policies MD1, MD3, MD7a and Settlement Policy S16 of the SAMDev Plan. This conflict should be given significant negative weight in the decision-making process. |
| 7.1.9 | A significant question is how harmful to local visual amenity would the development of this vestige of open space be? In reality, the site is not particularly visible from public vantage points, as it is largely bordered along the street frontage by a hedge and trees. It is only really visible at an angle from the entrance serving the access track leading around to the rear of the neighbouring properties on Ellesmere Road. Its value as an amenity space is thereby reduced. |
| 7.1.10 | The site is also closely associated with the built-up part of Shrewsbury being bordered on all sides by development. Connectivity with the town centre and surrounding development is considered to be good thereby increasing the likelihood that future occupiers of the development will not be dependent on use of private motor cars in order to make short trips. |
| 7.1.11 | The sensitivity and development potential of the site have previously been assessed in some detail as part of the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study and was considered to have development potential whereas the land to the north was not. Since then, the opposite has happened with the land to the north being developed despite the recommendations of the Study. It is considered that the characteristics of the site have not altered materially since then and that it retains some development potential. The application as it now stands following substantial amendments is a development that is appropriate for the site. This document informed the Core Strategy and SAMDev Plan and is an important material consideration. |
| 7.1.12 | The amended scheme is considered to offer a range of community benefits. The |

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| | relatively limited harm that would arise to the local landscape is capable of being mitigated through a comprehensive landscaping scheme, which remains a reserved matter. |
| 7.1.13 | This proposal is delicately poised and finely balanced. Without the range of increased community benefits and a reduction in scale and impact the recommendation would be to refuse outline planning permission. As it stands, it is considered that the improved benefits package and design refinements are material considerations of sufficient gravity to tip the planning balance in favour of a recommendation for approval. This is subject to the list of recommended conditions set out in Appendix 1 and to the successful completion of a S106 planning obligation. |
| 7.1.14 | The proposals are on balance considered to represent sustainable development in accordance with the provisions of the Framework and the Policies set out below. For these reasons the proposal, as amended, is recommended for approval. |
| | <p>RECOMMENDATION:</p> <p>That outline planning permission be GRANTED subject to a S106 Planning Obligation for 20% affordable housing and financial contributions towards provision of a pedestrian crossing on Ellesmere Road and the North West Relief Road and to the conditions set out below.</p> |
| 8.0 | Risk Assessment and Opportunities Appraisal. |
| 8.1 | <p>Risk Management</p> <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ▫ 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. <p>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.</p> |
| 8.2 | Human Rights |

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| | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p> |
| 8.3 | Equalities |
| | <p>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.</p> |
| 9.0 | Financial Implications |
| | <p>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.</p> |

1. Background

RELEVANT PLANNING POLICIES

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

2, 7, 9, 14, 17, 32, 35, 47, 49, 50, 56, 58, 60, 61, 109 and 118.

Shropshire Adopted Core Strategy:

Policies CS1, CS2, CS5, CS6, CS11, CS17 and CS18.

Shropshire Adopted SAMDev Plan:

Policies MD1, MD2, MD3, MD7a, MD12 and S16.

RELEVANT PLANNING HISTORY: None relevant

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=dates&keyVal=NNBQE4TDK0800>

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

APPENDIX 2 - EUROPEAN PROTECTED SPECIES – Consideration of the three tests

1. Statutory Time limit

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Submission of Reserved Matters

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (i) a scheme of landscaping for the site scheme which shall include:
 - a) Planting plans, including wildlife habitat and features (e.g. integrated bird, bat boxes, hibernacula)

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

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Reserved Matters Approval

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. Approved Plans and Drawings

The hereby approved development shall be carried out in accordance with the following approved plans and drawings:

- L001 – Site Location Plan
- L003B – Blocks A, B and C Lower Floor Level Plans
- L004B - Blocks A, B and C Upper Ground Floor Plans
- L005B - Blocks A, B and C First Floor Plans
- L006B - Blocks A, B and C Loft Floor Plans
- L008A – Block A Elevations
- L009B – Block B Elevations
- L010A – Block C Elevations
- L013C – Site Plan (Parking and Highways)
- L014E – Site Plan (Ecology)
- L015C – Site Plan

REASON: To define the permission for the avoidance of doubt.

5. Approval of Materials

No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

6. Architectural Details to be Approved

No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

7. Details of Boundary Treatments

No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

8. Implementation of Approved Landscaping Scheme

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. Submission of Details Earthworks

No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing

vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development.

10. Footway on Frontage

Prior to the commencement of development a revised site frontage layout shall be submitted to, and approved in writing by, the Local Planning Authority to show a minimum frontage footway width of 2 metres and 2.4 x 43 metre visibility splays clear of any development block boundaries. The approved details shall be fully implemented before any of the apartments are first occupied.

REASON: In the interests of Highway safety.

11. Access and Turning Head Design

Notwithstanding what is shown on the approved layout plans, prior to the commencement of development, a revised internal access road and turning head layout, supported by a swept-path analysis, shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate that a large refuse collection vehicle can enter the site, turn and exit in a forward gear clear of any defined pedestrian routes and private driveways. The approved layout shall be fully implemented before any of the apartments are first occupied.

REASON: In the interests of Highway safety.

12. Details of Car Parking

Notwithstanding what is shown on the approved layout plans, prior to the commencement of development details of the site parking arrangements as they relate to the individual apartment blocks and including appropriately located disabled parking provision for each of the apartment blocks shall be submitted to, and approved in writing by, the Local Planning Authority. The approved parking layout shall be fully implemented before any of the apartments are first occupied.

REASON: In the interests of Highway safety.

13. Details of New Roads

No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before any of the apartments are first occupied.

REASON: To ensure a satisfactory access to the site.

14. Construction Environmental Management Plan

The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and adhered to throughout the construction period and shall include:

- a) An appropriately scaled plan showing ‘Wildlife/habitat Protection Zones’ where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) 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;
 - vi) Provision of training and information about the importance of ‘Wildlife protection zones’ to all construction personnel on site.
- g) the parking of vehicles of site operatives and visitors
- h) loading and unloading of plant and materials
- i) storage of plant and materials used in constructing the development
- j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- k) wheel washing facilities
- l) measures to control the emission of dust and dirt during construction
- m) a scheme for recycling/disposing of waste resulting from demolition and construction works
- n) a traffic management and HGV routing plan

All construction activities shall be adhered to and implemented strictly in accordance with the approved CEMP unless otherwise approved in writing by the local planning authority.

REASON: To protect features of recognised nature conservation importance and avoid congestion within the surrounding area.

15. Habitat Management Plan

The first submission of reserved matters shall include a habitat management plan. The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 0.54ha of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in the Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring;
- i) The financial and legal 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, for the lifetime of the development.

REASON: To protect features of recognised nature conservation importance.

16. European Protected Species Licence

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

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

17. Obscure Glazing

Before the development hereby permitted is first occupied the windows in the north and south facing elevations of Blocks A and C shall be fitted with top-opening casement windows and glazed with obscure glass only. The windows shall thereafter be retained in the approved form in perpetuity.

REASON: To prevent overlooking of neighbouring properties in the interests of residential amenity.

18. Provision of E-Charging Points

Prior to use, a minimum of one electric vehicle (EV) plug ready charging point shall be installed for every 10 parking spaces or part thereof provided.

REASON: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

19. Contaminated Land

- 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.

20. Surface Water Drainage - Interceptor

No development shall commence on site until details of surface water drainage from impermeable parking areas and hard standings for vehicles to oil interceptors has been submitted and approved by the Local Planning Authority. The development shall not be first brought into use until the oil interceptor(s) has/have been installed in accordance with the approved details. Thereafter the oil interceptor(s) shall be maintained in accordance with the approved details. Roof water shall not pass through the interceptors.

REASON: To minimise the risk of pollution of the water environment and in the interests of safeguarding the biodiversity significance of the site.

21. Surface Water Drainage

No development shall commence on site until a scheme for the discharge of surface water from the site including surface water from the access/driveway, incorporating sustainable

drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

22. Foul Sewerage

No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

PD Rights – Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site .

REASON: In the interests of visual amenity.

23. Noise Protection

A glazing and ventilation specification to be installed into each habitable room shall be submitted to the local planning authority for approval in writing prior to the installation of any windows into the structure. The glazing and ventilation shall provide at least a 30 dB reduction between the internal and external fabric of the building. The approved design shall be incorporated into all windows into habitable rooms.

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

24. Scheme for Compensatory Nature Habitat

The first submission of reserved matters shall include a detailed ecological mitigation strategy submitted to the local planning authority for approval. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Site Plan – Ecology, drawing number LO14E, Prepared by aip architects ltd dated 28th February 2017' and as detailed in the 'Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)'. An area of 0.54ha of great crested newt habitat shall be retained and fenced off from the public open space and managed as great crested newt habitat. The updated ecological mitigation strategy, recommendations and method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

REASON: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected Species.

25. Slab Levels

No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity and for the avoidance of flood risk.

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

16/03225/OUT
Proposed Residential Development Land To The West Of
Ellesmere Road
Shrewsbury
Shropshire
Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 48 residential units and associated infrastructure.

Date of consideration of three tests:

13th June 2017

Consideration of three tests carried out by:

Nicola Stone
Planning Ecologist
Shropshire Council

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’?

See Report Paragraphs 6.2.43 – 6.2.46

2 Is there ‘no satisfactory alternative’?

See Report Paragraph 6.2.42

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’?

I have read the above application and the supporting documents including the;

- Preliminary Ecological Assessment conducted by Turnstone Ecology (May 2016)
- Natural England DAS response. Reference DAS/11746/207322 dated 3rd March 2017.
- Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)
- Site Plan – Ecology, drawing number LO14E. Prepared by aiparchitects ltd dated 28th February 2017

A medium population of great crested newts has been recorded in the pond within the development site boundary (max count 22).

Turnstone Ecology and the applicant have used Natural England’s Discretionary Advice Service to inform an appropriate mitigation strategy at this site.

The pond and associated marginal vegetation, hedgerows, trees and scrub around the site will be retained. Proposed access will be via a new road directly off Ellesmere Road, resulting in the loss of a short section of poorly connected hedgerow.

A Natural England European Protected Species Licence will be required prior to the commencement of development.

In order to avoid killing and injuring of great crested newts the following reasonable avoidance measures will be put in place;

- Translocation program that will last a minimum of 60 days between April – October inclusive and when overnight temperatures are over 5 degrees
- Temporary Amphibian Fencing
- Permanent log piles will be created to the south of the pond, acting as an area for translocation
- Vegetation within the exclusion area will be maintained short to minimise suitable habitat for great crested newt and aid capture

In order to mitigate for the loss of great crested newt habitat;

- The total area of the development is 0.8 ha, of which the pond makes up 0.211 ha and hard-standing makes up 0.078 ha.
- All optimal gcn terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148 ha of dense ruderal and grass habitat around the edges of the pond) and 0.042 ha of sub-optimal habitat will be temporarily lost during works but then recreated and enhanced post-construction.
- Unit B will be constructed on columns to raise it up to the levels of the eastern half of the site and although there will be temporary loss of sub-optimal habitat during construction, the area under the unit will be recreated as habitat suitable for foraging and hibernating gcn.
- A new hedgerow and an associated earth, wood and rubble bund vegetated with tall herb and shrubs will be recreated along part of the northern boundary.
- The proposal within the 0.8 ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078 ha of unsuitable hard-standing with 0.54 ha of optimal great crested newt habitat (pond, dense vegetation around and beyond the pond and hibernaculas/refuges) being retained, created and/or enhanced.

In order to enhance the site and mitigate for the loss of great crested newt habitat;

- Enhancements to the pond
- Improved terrestrial habitat around the boundaries
- Drainage during and post construction will ensure the water table and pond will not be effected
- The pond will be fenced (post and wire) to prevent and deter human and dog disturbance other than for monitoring or management purposes.

Monitoring of the pond will be completed on an annual basis for 10 years and include survey for great crested newts to monitor the breeding population and also check on water quality, diversity of aquatic life and presence of any fish. If a notable negative change in the GCN population is recorded and/or it is clear water quality and aquatic life has deteriorated, then the source of the cause will be established and appropriate measures put in place under guidance from a suitably qualified ecologist. If fish are found to be present measures will be put in place to remove them.

Natural England

Natural England has provided discretionary advice regarding this proposal and its potential to impact on the favourable conservation status of great crested newts. Natural England was able to conclude that the favourable conservation status of great crested newts can be maintained, and

that a licence from Natural England is likely to be granted.

Following the guidance of Natural England, Shropshire Council can conclude that the proposed development will not be detrimental to the maintenance of the population of great crested newts recorded at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Nicola Stone to Mark Lynch dated 13th June 2017 are on the decision notice and are appropriately enforced:

REM Condition 1:

1. The first submission of reserved matters shall include a detailed ecological mitigation strategy submitted to the local planning authority for approval. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Site Plan – Ecology, drawing number LO14E, Prepared by aiparchitects ltd dated 28th February 2017' and as detailed in the 'Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)'. An area of 0.54ha of great crested newt habitat shall be retained and fenced off from the public open space and managed as great crested newt habitat. The updated ecological mitigation strategy, recommendations and method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected Species.

REM Condition 2:

The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) 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;
 - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be adhered to and implemented strictly in accordance

with the approved CEMP unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

REM Condition 3 Landscape Plan

At first submission of reserved matters a scheme of landscaping should be submitted and approved in writing by the local planning authority. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. integrated bird, bat boxes, hibernacula)
- 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

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

REM Condition 4: Habitat Management Plan

The first submission of reserved matters shall include a habitat management plan. The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 0.54ha of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in the Great Crested Newt Mitigation & Management report prepared by Turnstone Ecology (15th May 2017)
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.
- i) The financial and legal 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, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

Planning Condition

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

the granted EPS Mitigation Licence.

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

Guidance for filling in the EPS form

The three tests detailed below must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence is likely to be committed, it is not appropriate to consider the three tests.

Test 1 ‘overriding public interest’ and test 2 ‘no satisfactory alternative’ should be addressed by Shropshire Council planning team. Test 3 ‘favourable conservation status’ should be addressed by Shropshire Council Ecologists with guidance from Natural England.

1 Is the purpose of the development/damaging activity for ‘Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?’

NB in order to meet this test, the purpose of preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public.

If an unstable structure (e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

2 Is there no satisfactory alternative?

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort. Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?

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’?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species. In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.



Committee and date
 Central Planning Committee
 22 June 2017

Item
6
 Public

Development Management Report

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

Summary of Application

| | | |
|--|--|------------|
| Application Number: 17/00282/FUL | Parish: | Great Ness |
| Proposal: Erection of 3No. dwellings including the formation of a new access (revised scheme) | | |
| Site Address: Proposed Residential Development Land Adj Crosshills Nesscliffe Shrewsbury Shropshire | | |
| Applicant: Mr D Jones | | |
| Case Officer: Nanette Brown | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 338377 - 319082



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of three detached dwellings including the formation of a new access, on land adjacent to a residential property, Crosshills, Nesscliffe. The proposed dwellings will be two-storey in design providing 4 and 3 bed accommodation. Plot 2 is shown to have a detached garage, with plots 1 & 3 providing integral garaging.
- 1.2 The proposed vehicular access to the site will be created on the eastern boundary and will be a shared access between the three dwellings.
- 1.3 Planning permission was previously granted by this local planning authority for the development of the site to provide three detached dwellings, planning reference 14/04067/FUL. The proposed scheme now proposes a revised site layout utilising identical house types to each plot as previously permitted.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The village of Nesscliffe is located approximately 5 miles south west of Baschurch and 9 miles north west of Shrewsbury. The development site is located towards the south end of the village and to the west of the road that leads through the village centre. The site comprises a parcel of land currently in the same ownership as the adjacent property to the south of the site, Crosshills. The site is also situated to the north west of Oak Cottage, a detached cottage situated on Wilcot Lane and to the south east of The Smithy, another residential property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has raised objections to this application on planning grounds relating to the potential loss of privacy for the existing neighbours.

As such the scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers and the Area Planning Manager and Chairs of the Central Planning Committee have discussed the application and planning

considerations and have agreed that the application should be determined by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

SC Ecologist – No objection

A Preliminary Ecological Appraisal was carried out on this site in May 2017 by Pearce Environment to update a previous survey in 2013. Conditions and informatives are recommended.

SC Affordable Housing – No objection

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre-dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

SC SUDS – No objection

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

SC Highways – No objections

No Objection – subject to the development being constructed in accordance with the approved details, and the following conditions & informatives.

Planning Application 14/04067/FUL for the development of three dwellings on the site was approved on 17th June 2016. The current proposal seeks internal amendments to the site layout with the repositioning of all three dwellings. The proposed amendments are considered acceptable from a highways perspective.

Great Ness Parish Council – Objection

The Parish Council objects to this application for the following reason:

The applicant has ignored the requirement to respect the 'residential amenity' of the adjacent properties, as detailed in the decision to grant planning permission. Below is the relevant extract from The Development Management Report, relating to this application that led to the inclusion of the following condition in the decision notice

(condition 8. No windows or other openings shall be formed above ground level in the north, south or west elevations of any dwelling hereby permitted without the prior consent of the Local Planning Authority. Reason: To preserve the amenity and privacy of adjoining properties)

6.4 Residential Amenity

6.4.1 The proposed designs of properties in terms of layout and window arrangement have been carefully arranged in order to minimise any potential for overlooking between the new and existing properties adjacent to the site. It is noted that Oak Cottage to the west of the site has main windows located on its side (north) elevation that will look out over the rear garden of Plot 2 but the window arrangement and layout for Plot 2 does allow for some private amenity space that would not be directly overlooked. It is considered that any planning decision notice granting planning permission could include a condition that requires further consent from the LPA for insertion of all new windows and openings above ground floor level in the north, south and west elevations of each dwelling in order to protect the privacy of both the occupants of existing and the new properties.

The Parish Council would require the applicant to return the application to the original layout before giving its support to this application.

4.2 - Public Comments

One public representation has been received summarised as follows:

Access for neighbours to maintain their property and renew their oil tank will be required.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Residential Amenity
Drainage
Ecology
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

- 6.1.2 The adopted development plans for Shropshire are the Local Development Framework (LDF) Core Strategy, the Site Allocations and Management of Development Plan (SAMDev) and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.
- 6.1.3 The application site is located within the parish of Nesscliffe. It does not lie within any identified development boundary under SAMDev policies. It is therefore considered to be within open countryside to which Core Strategy Policy CS5: 'Countryside and the Green Belt' applies. This policy does not support the provision of new open market residential development in the countryside. Policy MD7a also requires that new market housing be strictly controlled outside of the main towns, key centres and community Hubs and clusters. This policy lists acceptable types of housing that would be found to be acceptable but this does not include open market housing.
- 6.1.4 However, Policy CS4 also states that development in rural areas should be focused in Community Hubs and Community Clusters, and should be of a scale that is appropriate to the settlement and should accord with CS6. Policy CS6 also states that development should be appropriate in scale, density, pattern and design to its surrounding environment and should also safeguard residential and local amenity. Policy MD2 of SAMDev also requires that development proposals respond positively to local design aspirations in terms of both visual appearance and how a place functions as well as contributing to and respecting local distinctive or valued character and amenity for the surrounding area.
- 6.1.5 As set out in the SAMDev documents (Policy S16.2 (vi) Nesscliffe is identified as a Community hub where development by allocation, infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the village, with a housing guideline of approximately 30 additional dwellings over the period to 2026. Further to The Nesses Parish Plan (2004) and subsequent Housing Needs and Development Survey (2011), developments of a maximum of 10 houses and predominantly 2 and 3 bedrooms are sought by the Parish Council. This figure of 30 dwellings has been taken up already by the identified/allocated site (whose final numbers of houses have not yet been determined and will not be until reserved matters approval has been granted) and by those other smaller sites that have also been granted approval within the village in recent years. Whilst this application is for three new dwellings the previous planning permission granted (14/04067/FUL) previously concluded that 3 dwellings in this location within the village would be acceptable and would have little proportional cumulative impact on the settlement. Nesscliffe village is a sustainable settlement and is in a position where additional housing development could be accommodated.
- 6.1.6 The Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG in regards to affordable housing. At the time of writing, affordable housing contributions are not sought for developments of less than 10 dwellings. Therefore, national planning

policy prevails in this instance and an affordable housing contribution would not be sought for this application.

6.2 Visual impact and landscaping

6.2.1 The proposed development would be seen as infill between three existing properties within the village. These properties are located close to a road junction and each is orientated so that their main/front elevations face in different directions looking towards the adjacent roadways and road junction. It is considered that due to the varied arrangement of existing adjacent properties to the site the proposed siting of properties is acceptable. It is also considered that the proposed designs are satisfactory in this part of the village where there is a mixture of properties in terms of both design and materials.

6.3 Residential Amenity

6.3.1 Whilst the house designs remain the same as previously approved the site layout in terms of the positioning of the dwellings has been amended as part of this proposal when compared to the previously permitted scheme. For Plots 1 & 3 located closest to the sites access this amendment moves only slightly with the footprints largely remaining in the same location. Plot 2 has been significantly set back further within the application site so that its east facing front elevation would be sited approximately where the rear part of the house would have been from the previous permission. Great Ness Parish Council has raised their objections to this application on the basis of their concerns relating to loss of privacy between the existing and proposed properties.

6.3.2 Officers note that the repositioning of Plot 2 does move the proposed house closer to the side elevation of the adjacent property, Oak Cottage that has windows on its side elevation facing towards the site at ground and first floor levels. The dwelling to Plot 2 is shown to be sited 4.5 metres from the sites boundary at its closest point, with the side elevation also being stepped so that the rear section of the building is set further away from Oaks Cottage. Only one ground floor window is shown for the south (side) elevation facing towards Oaks Cottage and the insertion of any new openings on this elevation could be controlled by condition if planning permission was granted. It is considered that whilst views could be taken between the two sites, the windows to Oaks Cottage are not sited on any main elevation of the property, being set on its side elevation and close to the boundary. It is considered that the window arrangement and layout for Plot 2 does also allow for some private amenity space that would not be directly overlooked.

6.5 Drainage

6.5.1 Council Drainage Officers have raised no objections to the application subject to conditions requiring details of surface water drainage to be submitted before development commences.

6.6 Ecology

6.6.1 The Council's Ecologist has noted the recommendations made in the Ecological Survey Report conducted by Pearce Environment Ltd (October 2014) and the

subsequent updated report also conducted by Pearce Environment Ltd (May 2017) and has made no objections to the proposals, subject to the attachment of relevant conditions and informatives in respect of badgers, bats and nesting birds.

6.7 Highway Safety

6.7.1 Highways officers have made no objections to the granting of consent.

7.0 CONCLUSION

The application site is currently 'countryside' in planning policy terms. However Nesscliffe is also identified as a Community Hub under the provisions of the adopted SAMDev Plan and adopted Core Strategy Policy CS4. Whilst it is acknowledged that the application form is for three dwellings, which when considered with other housing applications that are resolved for approval within Nesscliffe clearly exceeds the indicative figure included SAMDev and the Parish Council's aspirations, Nesscliffe is considered to be a sustainable settlement which could accommodate this level of additional housing and the granting of this application would not further exceed the total numbers of new dwellings that have already been granted permission in the village. The proposal is considered to represent a sustainable form of development and the adverse impacts of granting permission for higher housing numbers would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

It is also considered that the proposed siting, scale and design of the proposed dwellings is acceptable and will have no adverse impact on the visual amenity of the locality or neighbouring properties. A safe means of access and adequate parking spaces will be provided and accords with the requirements of policy CS6 of the adopted core strategy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
Countryside

MD12 - Natural Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:14/04067/FUL Erection of 3No. dwellings including the formation of a new access GRANT 17th
June 2016

11. Additional Information

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

Planning File 17/00282/FUL

Cabinet Member (Portfolio Holder)
Cllr R. MaceyLocal Member
Cllr Ed PotterAppendices
APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. 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.

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Planting plans

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

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

Implementation timetables

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 of amenity afforded by appropriate landscape design.

5. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

6. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in

writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner). Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

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

7. Prior to first occupation / use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected:

A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 2 artificial nest², of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained 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.

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

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

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

9. No windows or other openings shall be formed above ground level in the north, south or west elevations of any dwelling hereby permitted without the prior consent of the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties.

10. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Updated Preliminary Ecological Appraisal (Pearce Environment, May 2017), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for badgers.

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

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

Informatives

1. 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.
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. 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. 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.
4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:
Water Butts; Rainwater harvesting system; Permeable surfacing on any new access, driveway, parking/paved area; Attenuation; Greywater recycling system; Green roofs.
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
6. Consent is required from the service provider to connect into the foul main sewer.
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 mid-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 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. 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.

9. 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.

10. This planning permission does not authorise the applicant to:
- o construct any means of access over the publicly maintained highway (footway or verge)
 - or
 - o carry out any works within the publicly maintained highway, or
 - o authorise the laying of private apparatus within the confines of the public
 - o highway including any new utility connection, or
 - o 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.

Mud on highway - The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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Committee and date
 Central Planning Committee
 22 June 2017

Item
7
 Public

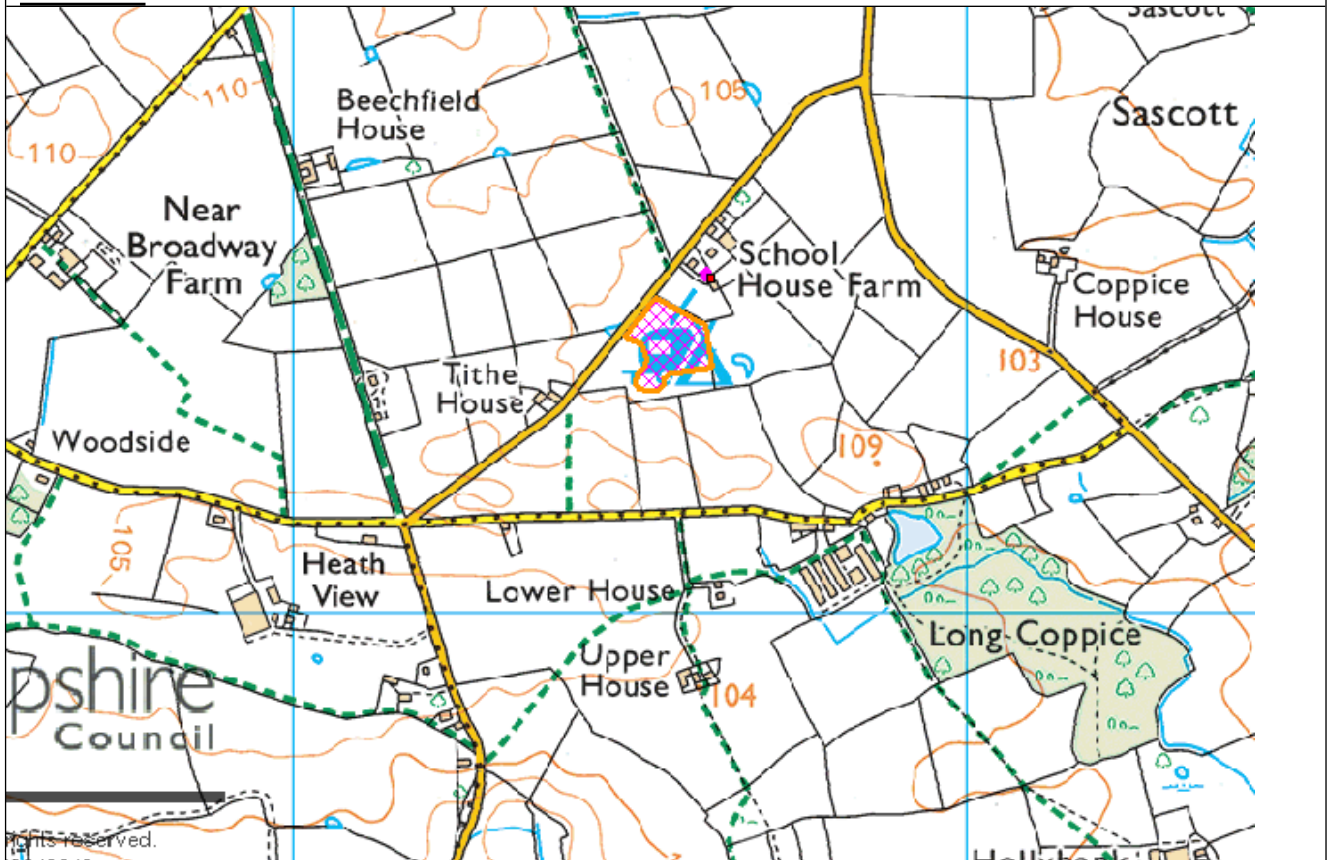
Development Management Report

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

Summary of Application

| | | |
|--|----------------|--|
| Application Number: 17/00407/FUL | Parish: | Ford |
| Proposal: Change of use of land for 15no. static caravan pitches; formation of wildlife pond and associated landscaping works; installation of foul pumping unit (resubmission) | | |
| Site Address: Cartref Camping And Caravan Site Cartref Ford Heath Shrewsbury Shropshire | | |
| Applicant: Cartref Leisure Ltd | | |
| Case Officer: Philip Mullineux | | email: planningdmnw@shropshire.gov.uk |

Grid Ref: 341618 - 311498



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Recommendation: Delegated authority to the Head of Planning Services to grant planning permission subject to the conditions as set out in Appendix 1 and any modifications to these conditions if considered necessary by the Head of Planning Services

REPORT

1.0 THE PROPOSAL

- 1.1 Application proposes change of use of land to 15 static caravan pitches, creation of a wildlife pond and associated landscaping works. at Cartref Caravan and Camping Site. (An extension to an amenity building was withdrawn during the application processing period).
- 1.2 The application is accompanied by a block plan, site location plan, proposed layout plans, existing and proposed elevations plan, design and access statement and planning statement, landscape and visual impact assessment and a biodiversity survey and report. During the application processing period an amended landscape and visual impact assessment was received in order to take account of concerns raised in the detail of the assessment by the Council's landscape specialist.
- 1.3 A screening Opinion dated 8th June 2017 carried out in accordance with The Town and Country Planning (Environmental Impact Assessment Regulations), 2017 and which come into force on 16th May 2017 has established that the application does not require an Environmental Statement to accompany it for planning consideration.
- 1.4 The Screening Opinion establishes that the proposed development does not fall into the remit of Schedule 1 or Schedule 2 of the EIA legislation.
- 1.5 The proposal was considered against the criteria of Schedule 2:12 (e) Permanent camp sites and caravan sites – Threshold is the area of the development exceeds 1 hectare.
- 1.6 Owing to cumulative impacts and the recent planning history of the wider site, (site adjoins an existing caravan park in the control of the applicants for which a recent planning application for variation of condition attached to a previous approval allowed use of the site for 12 months of the year instead of the restricted months as originally approved) as detailed on the Council's Screening Opinion, when accessed in accordance with Schedule 3 description of EIA Development, it is clear that the development does not need to be subject to an Environmental Statement. .

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located in open countryside and extends to approximately 0.99 ha (application form), and is currently laid down to rough grassland with some areas used by people staying at the existing touring caravan site for dog walking. The site is fairly flat and bounded by native hedges and trees. There is a separate smaller field to the south of the site which includes a pond.

The surrounding area is mainly agricultural in nature with a mix of small to medium sized grassland fields with frequent boundary hedges and hedgerow trees. The site

2.2 for the proposed extension to the caravan siting area is to the southern side of the existing site at Cartref which consists of 35 touring caravan pitches in the family area, all with electric hook up with a mixture of grass and hard standing pitches. There a further 11 hard standing pitches all with electric hook up in a separate adults only area. There is also space for tents, a children's play area and dog walking. There is an amenity block with showers, toilets, private washbasins, wet room for disabled campers, a laundry room and washing up facilities. The existing access into the site is off the minor Council maintained highway which runs past Cartref.

Information submitted in support of the application indicates that the site can be accessed from the A458 at Ford to the north or the B4386 at Cruckton to the south.

2.3 The village of Ford is just over a mile to the north and Yockleton is around 1.5 miles to the south-west. There are a range of local services in these villages including shops, restaurants and public houses. If on foot, these can be reached by public footpaths and minor roads. The centre of Shrewsbury is around 5 miles to the north of the site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The comments of the Parish Council are contrary to the recommendation from officers. The Council scheme of delegation therefore requires discussion with the local member, Chair and Vice Chair. Following these discussions it was concluded that the Parish Council's concerns about the development are material planning considerations and warrant consideration by the planning committee.

4.0 **Community Representations**

4.1 **Ford Parish Council** objects to this application indicating:

Ford PC has reviewed the amended plans. It is the PC's understanding that the amenity building is no longer being extended. The Parish Council does not feel that the revised plans address any of the other objections it raised so its previous objections stand, apart from the objection relating to the amenity building.

The earlier response indicated:

It is contrary to Policy CS5 (inappropriate development in open countryside for which there is no proven economic or community need) & CS6 (requires all development to contribute to the health and wellbeing of communities, including safeguarding residential amenity)

The Parish Council has the following further specific concerns:

- 1) The development is out of scale with the local environment and will lead to more commercialisation
- 2) Issues with drainage & flooding - implications for surrounding land. It is the PC's understanding that a ditch runs from the development into a pipe under the road which goes to the other side and discharges under the mains supply. It is the PC's understanding that the drainage system can therefore not be extended due to it being next to the mains supply. The ground around is clay and therefore drains poorly.

- 3) Loss of agricultural land
 - 4) Impact on open countryside
 - 5) Noise and light pollution
 - 6) Traffic
 - 7) The size of the restaurant building is out of scale with the number of pitches proposed
- In 2011, the Parish Council supported an application at the site but this was on the understanding that there would be no further expansion of the site. Please also refer to application 12/03558/OUT as the policy principles leading to refusal of this application are also applicable to this current application

4.2 **Consultee Comments**

4.3 **SC Highways** raises no objections. The response indicates:

No Objection – subject to the development being constructed in accordance with the approved details, and recommended conditions & informatives.

Observations/Comments:

The application has been amended to exclude the extension to the amenity building with all other details unchanged. The proposals are considered to be acceptable from a highways perspective subject to all conditions and informatives attached to previous highway comments dated 27th February 2017.

The earlier response indicated:

It is considered that the proposed development is unlikely to have any detrimental impact on the adjacent public highway as there is sufficient capacity within the existing network to accommodate the additional vehicle movements associated with this development.

Notwithstanding the above, the proposed access requires additional improvement, particularly in regard to the provision of visibility splays at this location. The site is located on a straight length of road with good forward visibility. This means that vehicular speeds passing the site entrance, will be higher than that, which the proposed access has been designed for (i.e. 30 mph).

4.4 **SC Drainage** raises no objections the response indicating; The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.5 **SC Public Protection** raises no objections. The response indicates the applicant looks at the following caravan site informative.

4.6 **SC Conservation Manager** has responded to the application indicating: Further to our earlier comments it would appear that the existing amenity building will now remain in its current form and finish which is noted and this addresses that element of our earlier concerns. I would refer you to the remainder of our comments however which may still be relevant to the current scheme.

The earlier response indicated:

A Visual Assessment Report has now been prepared by the agent which is noted;

we had previously noted that developments of this type have the potential to have an adverse impact on the landscape character of an area, however, as this is not something which the Historic Environment Team can advise on, we would suggest that Development Management consider obtaining the opinion of an appropriately qualified Landscape professional to assess this report.

The Planning Statement submitted notes on page 12 that the setting of the local heritage assets will not be significantly affected by the proposed development however it is not clear that this has been fully explored and addressed by the report undertaken. The Planning Statement notes that views of the expanded caravan site can also be mitigated by additional landscape works are these proposed and indicated on the plans submitted again this is not fully clear and plans confirming these mitigating works should be provided. We previously noted that the extensions to the existing amenity building, particularly the increase in height (including balconies and flues) may cause this building to be unnecessarily visually prominent on the site, and which could have a wider visual impact on the character of the area. Consideration to keeping this building to its existing height should be considered.

Should the application be recommended for approval, conditions requiring approval of full details of external materials and finishes on all buildings, features and enclosures proposed within and around the site, as well as a landscape retention, mitigation and implementation scheme, should be imposed.

With regards to clarification on setting of listed buildings, the Conservation Manager comments:

As noted in our initial consultee comments dated November 7, 2016, there are both designated and non-designated heritage assets in proximity of the existing and proposed expanded caravan site.

To the south-west of the subject site on the opposite side of the highway is Tithe House, which is a former farmhouse which is Grade II listed and dates from 1755 according to a date stone on the building, and immediately adjacent to Tithe House is a traditional red brick barn fronting the highway which would be considered curtilage listed. The proposed expanded caravan site would be expanded closer towards Tithe House and its barn, however based on the most recent Block Plan which shows the proposed extended boundary and mitigating new and enhanced landscaping to be added to the site boundary, it is my view that there would be a very low to neutral impact on the setting and significance of these heritage assets.

As noted in our earlier comments there is also a small range of traditional agricultural buildings and a former school house comprising School House farmstead immediately north of/adjacent to the Cartref Caravan site. These buildings would be considered to be non-designated heritage assets based on historic mapping information. Based on the latest plans submitted with this application it is considered that the current proposal would likely have little to no impact on these non-designated heritage assets.

- 4.7 **SC Trees Manager** raises no objections to the proposed development indicating: No objections to this application. Recommends a condition requiring a landscape

planting scheme be attached to any grant of planning permission.

- 4.8 **SC Planning Ecologist** recommends conditions and informatives' be attached to any approval notice issued. The response indicates:

An Ecological Assessment was carried out on this site in October 2015 by Turnstone Ecology. This was followed by a great crested newt survey in May and June 2016.

Habitats

Habitats on the site consist of improved grassland, hedgerows and tall ruderals. There are more hedgerows and mature and semi-mature trees at the edges of the field, outside of the application boundary. 'A pond is located to the south-east of the proposed development site but within the same ownership as the caravan site'.

'The main construction works will all be within an existing area of grassland, which is botanically poor, and boundary hedgerows and trees will not be directly affected by works.'

The landscaping scheme should include the following elements:

- 'Scattered existing and planted trees, such as Oaks and Ash, should be allowed to develop into mature standards.'
- Trees should be planted 'around the field boundaries to fill-in existing gaps and improve connectivity'. Connectivity between the existing and new ponds are particularly recommended.
- Tree planting should consist of native species of local provenance.
- A buffer should be maintained between ground works and hedgerows and trees.
- The buffer should be 'be enhanced with a seed mix of native field margin flower and grass species.'
- 'The margins should be cut once per year with all cuttings removed and used as habitat piles around the northern, eastern and southern boundaries.'

The creation of the pond 'will provide a significant increase to biodiversity at the site'. The following elements should be included when creating the pond:

- 'Excavations for the pond will be carried out during the winter months with the pond allowed to fill naturally with rain water/run-off from the grass field.'
- 'The pond will be designed to have deeper central areas and gently sloping and/or stepped towards the outer edges to create shallower margins.'
- Should planting be required (to make the pond more aesthetically pleasing quicker than by natural colonisation alone) then this will use native species only. Invasive alien species must be avoided.
- Suitable plant species and information on pond design can be found in the Great Crested Newt Conservation Handbook (Froglife, 2001)
- 'No fish will be introduced to the pond.'
- Pond weed should be raked out during autumn/winter to prevent stagnation.

'A site Ecological Management Plan is to be produced for the whole of the caravan site and will include the proposed mitigation and enhancement ... and long term management of the site for the benefits of biodiversity.'

Great crested newts

There is a pond approximately 35m to the east of the proposed development site and another approximately 60m to the west. The closer pond (which is part of the wider Cartref site) was calculated as having Excellent suitability to support great crested newts. The pond to the west was calculated as having Poor suitability.

A great crested newt survey was carried out on the on-site pond in May and June 2016. A small population of great crested newts and a small population of smooth newts were recorded in the pond.

‘The improved grassland affected by the proposals is unlikely to be used by Great Crested Newts due to the lack of cover. However, the hedgerows and tall herb vegetation along the road verge do provide suitable cover and opportunities for foraging, hibernating and dispersing Great Crested Newts.’

Section 4.3.6 of the report contains a Reasonable Avoidance Measures Method Statement (RAMMS) that must be followed in full during the works. The RAMMS contains the following elements:

- ‘The grassland will be maintained as a short sward pre and during construction.’
- ‘All ground works, including pond excavation, will be completed during the day and within the winter when Great Crested Newt are hibernating (normally November to February). In the event of a mild winter Great Crested Newt may remain active so works should only take place after the first frosts and during a period of weather where overnight temperatures are consistently below 5oC.’
- ‘All ground works will be carried out within the improved grassland field and shall not affect any part of the boundary hedgerows.’
- All site materials will be stored off the ground, e.g. on pallets, ‘or within areas of short/grass/temporary hard standing at the northern end of the site and at least 5m from boundary hedgerows.’
- Closing of excavations overnight or ensuring there is a means of escape available for any animals that fall in.

‘The proposed pond will provide optimal breeding habitat for Great Crested Newts and additional hedgerow planting around the site will provide improved connectivity and cover for foraging and hibernating. It is recommended that tall herbs and grasses (preferably from an appropriate seed mix) are allowed to become established along the southern boundary of the site to provide a connecting strip of suitable Great Crested Newt terrestrial habitat between the existing and newly created ponds. Additional planting of scrubby tree species (such as Hawthorn and Blackthorn) along the southern boundary would also increase and improve terrestrial habitat and connectivity.’

SC Ecology also recommends the creation of hibernacula and refugia around the new pond and the existing pond to increase the ecological value of the site for herptiles.

‘The planned Ecological Management Plan for the caravan site will fully detail pond creation and terrestrial habitat enhancement included as part of the extension proposals as well as appropriate enhancement for the existing pond and site-wide

management to ensure the Great Crested Newt population is protected and increased.'

Bats

'The majority of the scattered mature and semi-mature Oaks around the boundaries of the proposed development have features (splits, cracks and holes) that could be used by roosting bats. The boundary hedgerows and trees provide good foraging and commuting opportunities for bats.'

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.

The tree and hedgerow planting will 'improve connectivity and foraging opportunities' for bats.

New lighting on the site should be sensitive to bats and follow the Bat Conservation Trust's guidance. In particular, lighting should avoid illuminating boundary vegetation.

'It is recommended bat boxes are erected on mature trees located within the boundaries of the proposed development site and bird boxes also provided on the same trees to deter birds from using the bat boxes. Additional bat boxes are also to be erected as part of site-wide ecological enhancements.' These should be detailed in the Ecological Management Plan.

Badgers

The site and the surrounding fields 'provide extensive optimal foraging habitat and opportunities for sett digging' although no setts were found 'within or immediately adjacent to the boundaries of the proposed development site.'

No evidence of foraging was observed on the site but 'Fresh Badger latrines and evidence of foraging' was observed in the grassland to the east of the pond.

Although there are currently no badger setts present, a pre-commencement check is recommended to ensure that badgers have not begun using the site in the intervening time.

To protect any badgers (and other wildlife) that may enter the site, 'any excavation works associated with construction works ... should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).'

The 'bat friendly' lighting scheme will ensure that badgers are not adversely affected by the development in the long term.

Dormice

The 'species-rich hedgerow along the northern boundary of the field provides cover and foodplants suitable for Dormouse. Connectivity is not ideal though as although

the hedgerow is connected to additional hedgerows to the south-west of site there is no connectivity to more extensive suitable Dormouse habitat, such as woodlands. Although there are sections of suitable cover around the other boundaries of the proposed development there are also regular large gaps and limited suitable foodplants.'

'All of this hedgerow will be retained as part of the proposals and Considering the lack of nearby historic records, no connectivity to more extensive suitable habitat and extent of hedgerow that is likely to be affected by the proposals, it is considered that there will be no negative impacts on Dormouse.'

Reptiles

'The improved grassland affected by the proposals is unlikely to be regularly used by reptiles due to the lack of cover. However, the hedgerows and tall herb vegetation along the road verge do provide suitable cover and opportunities for foraging, hibernating and dispersing reptiles.' The mitigation measures that will be followed to protect great crested newts will also protect any reptiles that might enter the site.

The landscaping scheme will improve the habitats available for reptiles.

Hibernacula and refugia should be created around the new and existing ponds to increase the ecological value of the site for herptiles.

Birds

The hedgerows and trees provide potential nesting opportunities for birds. 'Old and damaged owl and raptor nest boxes were noted in a number of the mature trees around the site boundaries.'

'The improved grassland is unlikely to be used by ground nesting birds due to human disturbance and regime of regular cutting and mowing.'

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

The additional planting will increase the foraging and nesting opportunities available for birds in the long term.

'The provision of open and hole fronted bird boxes on some of the trees and repair and/or replacement of existing owl and raptor boxes, particularly along the southern boundary of the proposed development site, would greatly increase suitable nesting opportunities.' These should be detailed in the Ecological Management Plan.

4.10 Public Comments

At the time of writing this report six letters of objections have been received from

members of the public. Key issues raised can be summarised as follows:

- Concerns with regards to the existing amenity block and whether it has planning permission.
- Scale and height of the amenity building is not in keeping with the surrounding area.
- Noise pollution impact
- Light pollution
- Dog fouling will increase.
- Impacts on adjacent public highways which it is considered cannot accommodate the extra traffic.
- Horse riders use the surrounding lanes.
- Loss of natural habitat.
- Impact on local drainage issues
- Detrimental impact on the rural character and nature of the area.
- Site is not served by public transport.

Also at the time of writing this report 4 letters of support have been received from the general public. The main theme of these letters is that the proposed development will have a positive impact on the local economy of Shropshire.

5.0 THE MAIN ISSUES

- Principle of development
- Environmental Impact Assessment.
- Siting, scale and design.
- Visual impact and landscaping
- Impacts on surrounding historic environment.
- Impacts on surrounding amenity.
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it

applies, as a material planning consideration, in any event. The NPPF in paragraph 28 on Supporting a prosperous rural economy indicates a positive approach to sustainable new development in order to promote a strong rural economy with support for the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and promote the development and diversification of agriculture and other land based rural businesses with support for sustainable rural tourism and leisure developments that benefit businesses in rural areas.

- 6.1.3 In considering this planning application due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development, CS16: Tourism, Culture and Leisure and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings, as in this case two detached dwellings located immediately to the south of the site which are Grade II listed.
- 6.1.4 Policy CS5 of the Core Strategy reflects the objectives of the NPPF by aiming to strictly control new development in countryside locations. Like the NPPF it does support the principle of development on appropriate sites that will maintain and enhance countryside vitality and character to improve their sustainability. In particular where they bring economic and community benefits; this includes small-scale economic development which specifically refers to small-scale new economic development diversifying the rural economy.
- 6.1.5 Policy CS5 goes on to state that applicants will be required to demonstrate “the need and benefit for the development”. There is only a limited supply of tourist accommodation locally. An increased provision of tourist accommodation it is considered will encourage more visitors to the area and help support the local economy with the spending power that tourist possess. The site is located within close proximity to the A458 at Ford. To the north or the B4386 at Cruckton to the south. The village of Ford is just over a mile to the north and Yockleton is around 1.5 miles to the south-east. There are a range of local services in these villages including shops, restaurants and public houses. If on foot, these can be reached by public footpaths and minor roads. The centre of the town of Shrewsbury is around 5 miles to the north-east of the site and this has a wide range of facilities and services.
- 6.1.6 Policy CS13 'Economic Development, Enterprise and Employment' in the Core Strategy concerns Shropshire Council, working with its partners, will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced.

- 6.1.7 Policy CS16: Tourism, Culture and Leisure in the Core Strategy indicates support for new and extended tourism development promoting connections between visitors and Shropshire's natural, cultural and historic environment.
- 6.1.8 In addition SAMDev Policy MD4: Managing Employment Development builds on Policy CS13 stating that employment development will be managed in accordance with employment strategy CS13.
- 6.1.9 Policy MD11 in the SAMDev indicates support for tourism, leisure and recreational development proposals that require a countryside location where the proposal complements the character and qualities of the site's immediate surroundings and meets the requirements set out in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance. Policy MD11 further states that proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site..
- 6.1.10 The proposal aims to help sustain an established rural business enterprise which is supported in Local Development Core Strategy Policies CS5, CS13 and MD11. . Policy CS5 permits development proposals on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits. This is reinforced in the NPPF where a positive approach to sustainable new development which supports economic growth in rural areas is advocated.
- 6.1.11 Officers consider that the proposal meets the relevant criteria within both CS5 and CS13 and MD11 in supporting enterprise and diversifying the Shropshire economy by potentially providing employment to the local and wider area.
- 6.1.12 In addition SAMDev Policy MD7b– General Management of Development in the Countryside states that in order to promote a sustainable approach to development, proposals which minimise the impacts of new development, appropriately conserve the existing historic and landscape resource, and/or provide environmental amelioration are encouraged.
- 6.1.13 It is considered that the principle of the development in support of this existing rural business enterprise is acceptable and accords with the relevant criteria within the NPPF, CS5, CS6, CS13, and CS17 of the Core Strategy and MD2, MD4, MD7b MD11, MD12 and MD13 of SAMDev.

6.2 **Environmental Impact Assessment.**

- 6.2.1 As indicated earlier in this report the proposed development has been considered in accordance with The Town and Country Planning (Environmental Impact Assessment), Regulations 2017 to which it was established that the proposed development does not fall into schedule 1 or 2 of the EIA legislation - Schedule 2 : 12 (e) Permanent camp sites and caravan sites – Threshold is the area of the development exceeds 1 hectare.

With consideration to the site's history in relation to the adjoining land, the Council

6.2.2 has carried out a Screening Opinion in accordance with EIA Regulations and this establishes that an Environmental Statement is not required to accompany any formal application for the proposed development, when considering the proposal against the criteria of Schedule 3 of the Regulations 2017.

Siting, scale and design.

6.3

6.3.1 Policy CS5 'Countryside and Green Belt' and Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy encourages development that improves the sustainability of rural communities whilst requiring development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.3.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

6.3.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.3.4 In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.

6.3.5 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.3.6 The proposal is for the siting of up to 15 static caravan pitches on land next to an existing caravan site. The site will also include dedicated wildlife areas, internal tracks and paths. Information in support of the application indicates that there is a small existing amenity building on the existing touring site which has a Premises Licence under the Licensing Act 2003.

6.3.7 Information in support of the application indicates the site is located adjacent to an existing site in the control of the applicants, which consists of 35 touring caravan pitches in a family recognised area, all with electric hook ups, with a mixture of grass and hardstanding pitches. There are 11 hard standing pitches all with electric hook up in a separate adults only area. There is also space for tents, a children's play area and dog walking. There is an amenity block with showers, toilets, private

washbasins, wet room for disabled campers, a laundry room and washing up facilities. The existing access is off the minor Council maintained road past Cartref.

6.3.8 The site is fairly flat and bounded by hedges and trees. There is a separate smaller field to the south-east of the site which includes a pond. The surrounding area is mainly agricultural in nature with a mix of small to medium sized grassland fields with frequent boundary hedges and hedgerow trees, and larger arable fields scattered with intermittent hedgerows.

6.3.9 The site is clearly well related to the existing touring site which is beneficial in terms of practical site management, (Owners of the site live in the dwelling connected to the site), connection to services and mitigating any potential visual impact. Although the static caravans will have their own private facilities, there may be occasions when they need the use of the communal amenity block which is situated in the touring field. The site is well contained within the field which is bounded by hedges.

6.3.10 It is not considered that development on site will generate sufficient vehicle movements likely to cause concern in relation to surrounding public highways and it is noted that the Council's Highways Manager raises no objections to the proposal, subject to the attachment to any approval notice issued a condition with regards to visibility splays as outlined in paragraph 4.3 of this report.

6.3.11 Caravans by their very nature do have an impact on the visual amenity of the landscape. With consideration to the scale of the development as proposed in relationship to cumulative impacts with the existing site, the surrounding landscape and topography and economic benefits as a result of the proposal, that with further landscape mitigation, the development as proposed can be successfully mitigated into the surrounding landscape and built environment to an acceptable manner. As such the proposal considered to comply with Policies CS5, CS6, CS17, MD2, MD12, MD13 and other relevant local plan policies and national guidance in relationship to siting, scale and design.

Visual Impact and landscaping.

6.4

6.4.1 Policy in relation to visual impact and landscaping is similar to those discussed in the proceeding section. The applicants have included in support of the application a Landscape and Visual Impact Assessment, (LVIA), and this has concluded that development on site will not have a significant impact on the surrounding landscape character. The visual impact assessment concludes that development on site will only have limited impacts from certain locations due to the surrounding land topography and existing native vegetation. The assessment acknowledges that there will be impacts when viewed from a public footpath to the south of the site and from the adjacent public highway which passes alongside the site. It concludes that further landscaping in the form of native plantings will mitigate these impacts to an acceptable level. The LVIA also concludes that there will be no significant detrimental impact on the historic setting as a result of the proposal.

The Council's Landscape Consultant has assessed the applicants LVIA and concluded that the assessment lacked sufficient detail with regards to potential

- 6.4.2 hedgerow removal, (to accommodate the proposed access off the adjacent public highway), insufficient information in relation to static caravan specification which is required in order to make a informed judgement on visual receptors and insufficient information in relation to landscape proposals which are required to assess their efficacy as a mitigation measure and transparency. Also absence of any information as to whether any effects are positive or negative.

In consideration of the concerns as outlined above the Council's Landscape consultant advised that the applicant be requested to:

- 6.4.3
- ☐ Confirm whether the application site boundary includes hedgerows and advise whether the construction of the access road and provision of required visibility splays involves hedgerow removal;
 - ☐ Amend the LVIA to take account of the issues raised in paragraph 9.
 - ☐ Provide detailed landscape proposals to support the application, and give consideration to include hedgerow tree planting to provide enhanced visual mitigation.

- 6.4.4 The applicants agent in response to concerns raised submitted an amended LVIA to take account of the issues as raised by the Council's Landscape Consultant. The further information included detail which confirmed that 10 metres of hedgerow will need to be removed to provide the required access, and that the landscaping proposals include for an additional 240 metres of hedgerow planting. The access will require a 14 metre gap in the hedgerow however there is already an existing entrance of about 4 metres. The amended LVIA also concluded on visual impact issues that the site is bounded by hedges and trees and the predominant boundary type in surrounding fields is hedges with numerous hedgerow trees. There are also high roadside hedges along the lanes. These provide good screening of the site and together with the surrounding topography limited views. The screening effect will be enhanced during the summer months when the vegetation is in leaf. The existing buildings at Cartref and the agricultural buildings at School House Farm also block views from the north-east. There are few views of the site from beyond 1km due to the intervening landscape features and the nature of the surrounding topography. The main public views of the site have been identified as from close proximity in particular from the road as you drive/walk past the site and the footpath crossing the field immediately to the south-west. There are high vantage points from the Breidden Hills to the north-west of Cartref which can be seen from some locations in the area, and also Pontesford Hill to the south. However Pontesford Hill is over 5km and the Breidden Hills over 10km away, and there is also significant woodland cover on the hills. There are no residential properties directly overlooking the site and it is considered that there would be limited views from first floor windows of a small number of dwellings during the winter when the trees are not in leaf. Many of the dwellings are not however facing the proposed site.

- 6.4.5 In conclusion in respect of landscape and visual impact the development as proposed is relatively small scale, (15 static caravans), and that cumulative impacts in relation to the existing site, (35 sites), is acceptable with consideration to the surrounding land topography, existing vegetation and further mitigation as proposed and with a condition attached to any approval notice issued in respect of further landscape mitigation as recommended by both the Council's Tree Manager and Planning Ecologist. There are also the economic benefits as a result of the

proposal which will also entail a more viable and sustainable site, the site being located alongside a public highway considered acceptable in relation to the proposal and the site located within reasonable distance of day to day service requirements and the nearby town of Shrewsbury and all its facilities. As such the conclusions reached in the amended LVIA are accepted and overall on landscape and visual impact issues, the proposal is considered to be in accordance with Policies CS5, CS6, CS13, CS16 and CS17 of the Core Strategy and Policies MD2, MD7b, MD11, MD12 and MD13 of the SAMDev and the overall aims and objectives of the NPPF.

6.5 Impacts on surrounding historic environment.

6.5.1 In accordance with the Planning (Listed Buildings and Conservation Area Act 1990, and paragraph 66, local planning authorities must in the exercising of its planning functions have special regard to the desirability of preserving listed buildings and their settings or any features of special architectural or historic interest which it possesses.

6.5.2 Section 66 of the Planning (Listed Buildings and Conservation Area) Act requires local authorities to have special regard to the desirability of preserving listed building or their settings or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6.5.3 Paragraph 131 of the NPPF indicates that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 134 of the NPPF indicates 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. Paragraph 135 of the NPPF refers to the effect of an application on a non-designated heritage asset which should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.5.4 Whilst the site itself has no heritage assets, there are designated and non-designated heritage assets within the vicinity of the site. The closest of these is a structure known as the Tithe House which is grade two listed and located to the south west of the site. Bank House located to the south-west is also grade II listed. To the north of the site is a property known as School House and this is considered a non-designated heritage asset.

6.5.5 With consideration to the distance, setting and nature of the proposed development on balance it is considered that impacts on the surrounding historic environment is acceptable with consideration also to the public and economic benefits of the proposal as referred to in paragraph 134 of the NPPF As such it is considered that the development as proposed overall complies with relevant policies (CS17, MD13), in relationship to the historic environment as outlined above.

Impacts on surrounding amenity.

6.6

Policy CS6 of the Core Strategy alongside SAMDev policy MD7b and the NPPF refer to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours and local amenity.

6.6.1

6.6.2

It is acknowledged that several letters of objections received from members of the public raise concerns in relation to residential amenity issues and in particular in relation to a proposed amenity building located to the rear of the applicants dwelling alongside the existing caravan site. The Local Parish Council also raised concerns with regards to the scale of the development as proposed as well as concerns in relation to the proposed amenity building. The applicants during the application processing have revised the application withdrawing the amenity building from the proposed development.

6.6.3

With consideration to withdrawal of the amenity building that originally formed part of the application, the small scale and location of the proposal and surrounding landscape and land topography, with no dwellings directly facing into the site and suitable access off an adjacent public highway considered suitable for vehicle movements in relation to the proposal, as well as consideration to cumulative impacts in relation to the existing caravan site in the control of the applicants. Whilst it is acknowledged that development on site will be heavily dependant on use of private transport, development of this nature is mostly heavily dependant on this form of transport mode and removal of the amenity building as part of the application strengthens the overall proposal in relation to transportation issues. As such impacts on surrounding residential amenity, privacy and the amenity of the surrounding area is acceptable and it is noted that the Council's Public Protection raises no objections to the proposal.

Ecology.

6.7

6.7.1

Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

6.7.2

The application includes provision for a wildlife pond and associated landscape works, as it is acknowledged that caravans and their siting does have an impact on the quality of a rural landscape.

6.7.3 An Ecological Assessment submitted in support of the application was carried out on this site in October 2015 by Turnstone Ecology. This was followed by a great crested newt survey in May and June 2016. As commented upon by the Planning Ecologist in response to this application habitats on the site consist of improved grassland, hedgerows and tall ruderals. There are more hedgerows and mature and semi-mature trees at the edges of the field, outside of the application boundary. 'A pond is located to the south-east of the proposed development site but within the same ownership as the caravan site'. The main construction works will all be within an existing area of grassland, which is botanically poor, and boundary hedgerows and trees will not be directly affected by works.

6.7.4 Whilst it is disappointing that a section of existing native hedgerow, (10 metres as discussed in paragraph 6.4.4 above), needs removal in order to provide adequate visibility splays, with consideration to the landscaping proposals and mitigation as a whole, (including the provision of 240 metres of new native hedgerows), the proposed development is acceptable in relation to ecological issues and as part of the mitigation the proposed wildlife pond is acceptable. The Planning Ecologist raises no objections recommending conditions in relation to badger setts, (see paragraph 4.8 of this report), an ecological clerk of works overseeing development on site, landscaping plan implementation, lighting plan and habitats management plan. A condition in respect of further landscaping and mitigation measures was also recommended by the Council's Tree Manager and this matter has been considered as part of the ecology discussion above. As such on balance the development in accordance with Policies CS17 and MD12 and the overall aims and objectives of the NPPF in relation to biodiversity mitigation and enhancement.

Drainage.

6.8 The Council's Drainage Team were consulted on the application and have raised no issues on drainage grounds, other than to recommend a condition in order to ensure a sustainable drainage scheme is installed.

6.8.1
6.8.2 Objections received from members of the public refer to drainage issues, and this matter was brought to the attention of the Council's Drainage Team who have maintained that the development is acceptable on flooding and drainage issues. As such it is recommended that a condition in relation to a sustainable drainage scheme is attached to any approval notice issued and accordingly, the proposal is considered to satisfy Policy CS18 of the Core Strategy on drainage terms.

7.0 CONCLUSION

7.1 The proposed development overall is acceptable in principle, and will enable on balance the sustainable expansion of an existing caravan park, in a scale considered acceptable in relation to the overall character of the surrounding landscape and the existing caravan park, with mitigation as discussed in this report, impacts on the surrounding historic environment considered acceptable. Development as proposed will not have a significant detrimental impact on the setting of the nearby Grade II listed buildings. Residential and surrounding amenity issues are addressed satisfactory. Impacts on drainage and biodiversity also acceptable, with appropriate conditions as referred to in this report attached to any

approval notice issued. Also a material consideration is the economic benefits and whilst it is acknowledged that these have to be weighed up against any harm, (in this aspect landscape and visual impact), the development on balance is of an acceptable small scale in relation to the existing caravan park and will not overwhelm in relation to visual impact and harm to the surrounding countryside, (it is acknowledged that any further development/or larger scale would have a more detrimental impact). The proposal will also bring to the surrounding area economic benefits, whilst also helping maintain the economic viability of the existing business. Overall whilst it is acknowledged that the development will not be well served by public transport, the scale and nature of the development lends itself to use by private means of transport, the site, (in scale), is suitably located in relation to public highways.

- 7.2 Overall and on balance the development is sustainable development, and as such considered to comply with the relevant planning policies, key of which are Policies CS5, CS6, CS13, CS16, CS17, MD2, MD7b, MD1, MD12 and MD13, as well as the overall aims and objectives of the National Planning Policy Framework.
- 7.3 In arriving at this decision the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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

Core Strategy and Saved Policies: CS5, CS6, CS13, CS16 and CS17.

SAMDev Policies MD2, MD7b, MD1, MD12 and MD13

RELEVANT PLANNING HISTORY:

11/04709/VAR Variation of condition 4 of planning permission ref.SA/08/1409/F to allow five caravans to remain on site for more than 21 days GRANT 16th January 2012

16/04732/VAR Variation of Condition no. 4 attached to 72/3716 to enable use of the caravan site for 12 months each year to respond to market demand GRANT 19th December 2016

16/04737/VAR Variation of Condition no. 3 attached to 08/1409/F to enable use of the caravan site for 12 months each year to respond to market demand GRANT 19th December 2016
SA/08/1409/F Change of use of agricultural land to form an extension to existing caravan park to create an additional 11 pitches PERCON 12th January 2009
SA/05/1137/F Erection of a w.c./utility block for existing caravan site PERCON 14th October 2005

11. Additional Information

[View details online:](#)

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

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 metre back from the nearside carriageway edge, along the whole site frontage (including the existing caravan site) shall be provided and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

4. Within 90 days prior to the commencement of development, a pre-commencement badger inspection shall be undertaken by an 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.

5. Prior to first occupation / use of the site, 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 section 4.3.6 of the Ecological Assessment (Turnstone Ecology, September 2016)).

Reason: To demonstrate compliance with the GCN RAMMS.

6. 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 planted 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.

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

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

8. No development shall take place (including 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) Monitoring and remedial/contingencies measures triggered by monitoring;
- i) The financial and legal 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.

9. No development shall take place on site until a scheme of the proposed surface and foul water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved schemes shall be completed before the development is occupied.

Reason: To ensure satisfactory surface water drainage of the site and to minimise flood risk elsewhere as a result of the development and also to ensure that the foul water drainage system complies with the Building Regulations H2.

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

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

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

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

11. The site shall be used to provide holiday accommodation only and 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.

12. No more than 15 individual static caravan pitches shall be accommodated on the site at any one time as detailed on the approved site layout plan. The site shall only be used in accordance with detail submitted in support of the application.

Reason: to ensure a satisfactory intensity and type of development.



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| <u>Committee and date</u> |
| Central Planning Committee |
| 22 June 2017 |

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| <u>Item</u> |
| 8 |
| Public |

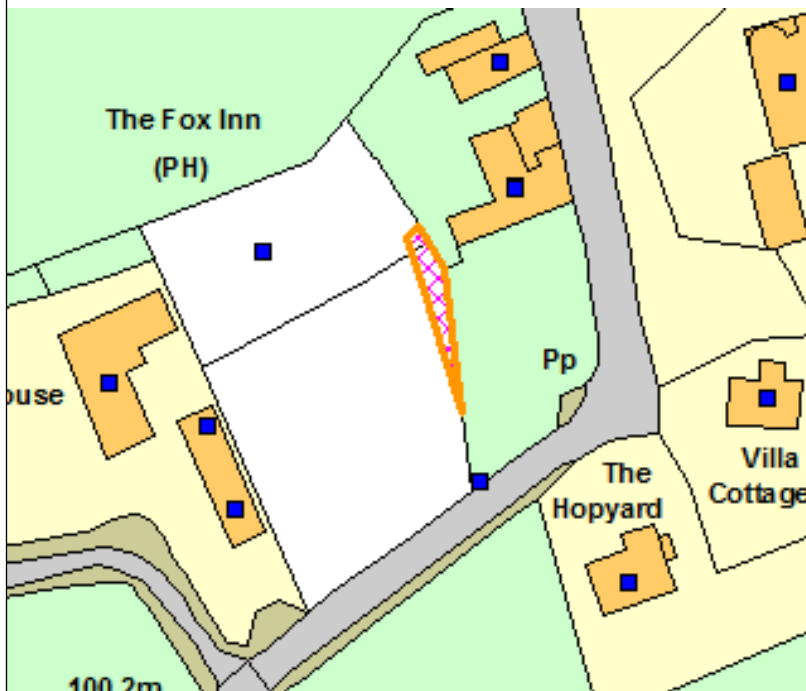
Development Management Report

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

Summary of Application

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| <u>Application Number:</u> 17/01790/FUL | <u>Parish:</u> Condover |
| <u>Proposal:</u> Application under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall, and use of the land in association with development approved under 14/00701/FUL (amended description). | |
| <u>Site Address:</u> The Fox Inn Ryton Shrewsbury Shropshire SY5 7LS | |
| <u>Applicant:</u> Mr And Mrs J Owen | |
| <u>Case Officer:</u> Frank Whitley | <u>email:</u> planningdmc@shropshire.gov.uk |

Grid Ref: 349000 - 303176



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.Appendix 2

Minutes of Committee Meeting dated 26 June 2014 14/00701/FUL

Appendix 3

Minutes of Committee Meeting dated 18 Sept 2014 14/00701/FUL

Appendix 4

Decision Letter 14/00701/FUL

Recommended Reason for Approval

REPORT

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| 1.0 | THE PROPOSAL |
| 1.1 | The application seeks planning permission under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall and use of the land in association with development approved under 14/00701/FUL (amended description). |
| 1.2 | The site is effectively a narrow strip of land falling between the car park of the Fox Inn, and land forming part of a development of 6 dwellings to the west, approved under reference 14/00701/FUL. |
| 2.0 | SITE LOCATION/DESCRIPTION |
| 2.1 | The application site measures 24m in length, and 3m at its widest point, though tapers to a point at the south end. |
| 2.2 | The site comprises a set of steps and bank which have been turfed over below the level of the existing car park. The steps formerly provided access from the top car park to lower overspill car park. The steps have now become redundant and the bank has been taken to form the boundary of the residential development. |
| 2.3 | A beech hedge has been planted at the top of the bank, adjacent to the car park, as required under an approved landscaping scheme for 14/00701/FUL. Approximately half of the grassed bank is supported by a timber post retaining wall. |
| 2.4 | It is understood that the Fox Inn and its car park has been registered as a Community Right to Bid Property, though locally it is known as an Asset of Community Value (ACV). For the purposes of this report, and only in as far as this matter is relevant, the property shall be described as a CRBP. |
| 3.0 | REASON FOR COMMITTEE DETERMINATION OF APPLICATION |
| 3.1 | The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. |

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| 4.0 | Community Representations |
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| | Consultee Comments |
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| | SUDS- no objection |
| | We have no comment from the drainage and flood risk perspective, regarding the turfing over a previous set of steps, together with the installation of timber log retaining wall. |
| | Public Comments- One representation has been received |
| | <p>I object to this application on behalf of our organisation, Ryton Supporters of Community Assets. This entity was established in 2014 and successfully applied for The Fox Inn to be listed as an Asset of Community Value, with widespread local support for the associated petition, reflecting a general concern about the long-term viability of The Fox in light of the proposed development of its larger car park for housing.</p> <p>The housing development divided opinion in the village as to whether it would pose an existential threat to the pub. The owners argued that the profits from the sale of the houses would be reinvested in the pub to assure its future viability, an argument accepted by those who supported the planning application. However, whether supporting or opposing the new houses, a desire to ensure the pub's future viability was a concept that unified both camps.</p> <p>In this context, the owners repeatedly promised from an early stage that part of the reinvestment would involve an expansion of the remaining car park to accommodate up to 24 or 26 cars, mitigating the loss of parking on the development. The existing upper car park holds a maximum of 13 cars (including those belonging to the owners and the bar staff). It should be noted that Ryton is a village of narrow lanes with no on street parking, so the pub's onsite parking is a critical factor for its viability.</p> <p>This promise was made to the community at a meeting of local residents, as well as to the Shropshire Council planning committee meetings. I attended one of the committee meetings and the future viability of the pub (and its parking provision) was one of the central topics for discussion, as was the general concept that funds should be reinvested in the pub (as promised by the owners). The committee members agreed that an enlarged car park of 24/26 spaces was essential. The Development Management Report presented to the committee stated that there would be "26 parking spaces available to the front of the pub". All of the detailed approved plans referenced in the final planning approval depict the new boundary between the two sites, a new retaining wall and the enlarged car park. Condition 2 of this approval states "the development shall be carried out strictly in accordance with the approved plans and drawings".</p> <p>It has become apparent that the owners have no intention of following through on either the promises made or the original planning conditions. The new, expanded car park would only be possible if the boundary was established as per the approved plans and drawings (condition 2). Instead, the boundary has already</p> |

been established further to the east, presumably to maximise parking space for the new houses. This effectively robs all of the space required to create the expanded residual car park, adding land that was not part of the planning application. This kills the possibility of creating any increase in parking space, nevermind the doubling of capacity promised. This planning application, whilst ostensibly about permission to remove a set of steps and build a log wall, is in effect seeking retrospective planning permission to endorse this ongoing contravention of condition 2 of the original planning approval.

The effects of this contravention and the resulting inadequacy of the remaining parking are already being felt. At busy times customers have had to double park, and that's with the owners and their staff parking their cars on the housing development which, along with ongoing customer parking in the entrance to the houses, will have to cease once those houses are occupied.

Vehicles are often forced to reverse out onto the road, creating a hazard on a narrow lane that is heavily used by local residents, commercial traffic, agricultural traffic, horse riders and cyclists (it is on the national cycle network). Additionally, the housing development itself has inadequate parking, introducing the possibility of residents and their visitors parking on the pub's car park, putting further pressure on its capacity.

Shropshire Council agreed in 2014 that The Fox is an Asset of Community Value. The council's planning committee gave consent for the construction of the houses on the basis that the owner would be reinvesting capital in the pub, particularly in the construction of an expanded car park to mitigate the loss of a large amount of car parking on the development site. Final approval was granted with a condition that the development would be completed in accordance with a design that established a boundary and separating retaining wall that would permit the creation of an enlarged residual car park.

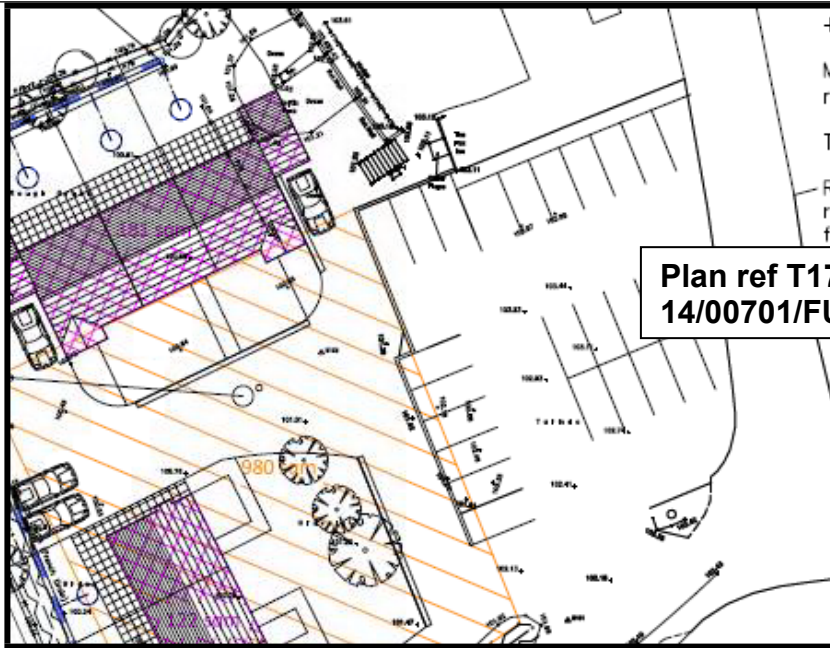
Approval for this retrospective planning permission would mean the eventual demise of a valued facility in an expanding village that is already poorly served by local amenities. Such a determination would be contrary to all of the principles outlined here. If the planning department is minded to grant such permission, we believe that to preserve the democratic principles underpinning the planning process, the final determination should be referred back to the planning committee, given the extent to which it diverges from the original application and assurances made at the time. However I hope that the council will reject this application and insist that the original, approved boundary be re-established so that the current or future owners of the pub can provide the parking capacity that everyone agrees that it sorely needs.

Parish Council - objects

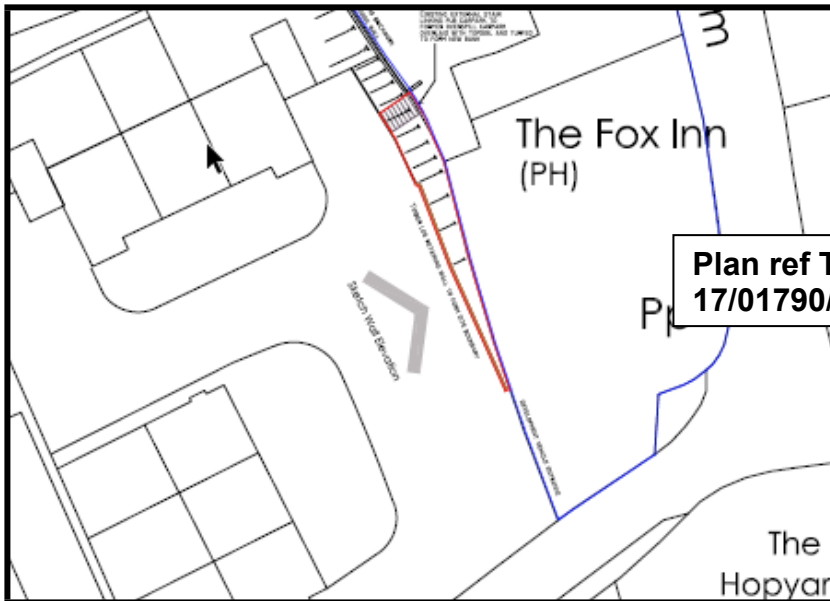
1. There is a central fault in the Site Plan Elevation and Detail drawing submitted with this application. The boundary of the car park and the line of the retaining wall submitted (TFR/PP/01: 18/04/2017) vary significantly from the boundary and line of the retaining wall submitted with planning application 14/00701/FUL against which planning permission was granted (T17219/14/115B: 16/04/2014)

2. The housing development (14/00701/FUL) was built on land previously used to

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| | <p>provide overflow parking for the Fox Inn. Integral to the planning consent was provision of adequate parking to the front of the Fox Inn. The Development Management Report presented to the Central Planning Committee on 26 June 2014 states in para 6.6.5 that there would be "26 parking spaces available to the front of the pub"</p> <p>3. Moving the boundary of the car park and the line of the retaining wall from its original position to one running immediately adjacent to the bottom of the steps would reduce the size of the car park and so delete seven of the 26 parking spaces referred to in the Central Planning Committee report and shown on drawing T17219/14/115 (16/04/2014)</p> |
| 5.0 | THE MAIN ISSUES |
| | <input type="checkbox"/> Principle of development <input type="checkbox"/> Whether the development reduces the provision of car parking and the continued operation of the pub. <input type="checkbox"/> Whether the application encroaches into the designated Asset of Community Value (ACV) or Community Right to Build Property (CRBP). <input type="checkbox"/> Value of the bank as a buffer screen between the car park and occupiers of adjacent dwellings. |
| 6.0 | OFFICER APPRAISAL |
| 6.1 | Principle of development |
| 6.1.1 | Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. |
| 6.1.2 | The application site lies in a countryside location under Core Strategy CS5 where open market residential development would not normally be supported. However the approved development under 14/00701/FUL is a significant material consideration which is considered sufficient to establish the principle of development. Approval is subject to the main issue identified below. |
| 6.2 | Whether the development reduces the provision of car parking and the continued operation of the pub |
| 6.2.1 | In general, opposition to this application appears to be based upon a belief that if approved, this application would make it impossible to extend the pub car park, as was allegedly required under the provisions of 14/00701/FUL. |
| 6.2.2 | In the first instance it is necessary to clarify point 1 of the Parish Council objection. Sections of the plans referred to in the PC objection are reproduced below. |
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**Plan ref T17219/14/115B
14/00701/FUL**




**Plan ref TFR/PP/01
17/01790/FUL**

6.2.3

Differences in the two plans above can be explained by marginal inaccuracies in their representation. The boundary of the car park in T17219/14/115B appears to overlay the bank shown on TFR/PP/01. Nevertheless, for the purposes of this application, this “fault” as described by the PC can be given very low weight for the following reasons:

- The boundary of the car park falls outside of the boundary of the application site for 14/00701/FUL, as per the definitive block plan 05A dated April 05 (see below). This is the only plan in the 2014 application which actually defines the extent of the application site by way of a red (or in this case pink) line.
- There was no intention to extend the car park in 14/00701/FUL, evidenced by the Design and Access Statement, and description of development.

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| | <p><input type="checkbox"/> The plan T17219/14/115B sets out surface water drainage proposals, and is approved for that purpose only.</p> |
| 6.2.4 | <p>A section of 05A is included below. The plan supporting the current application, TFR/PP/01 is entirely consistent with it. The application site boundary falls at the bottom of the bank, identified by the contours below the car park.</p> |
| |  <p>Plan ref 05A dated 5 April 05. Approved block plan for 14/00701/FUL</p> |
| 6.2.5 | <p>The second part of the PC objection relates to an understanding that that loss of the overspill car park was to be compensated for, either by extending the current park or by the provision of a car park elsewhere.</p> |
| 6.2.6 | <p>Extracts of the Committee report for 14/00701/FUL are reproduced below:</p> |
| | <p><u>Committee report presented to Members 26 June 2014</u> <u>6.5.2 Loss of Customer Parking</u> <i>Loss of customer parking:</i> <i>The area of car park remaining for use by customers to the public house under normal conditions would appear adequate, however, there is clearly an issue with regard to arrangements for larger events. Given the width of lanes surrounding the site, on street parking would not be possible. The applicant has now confirmed that agreements are in place to utilise parking at the local village hall and a neighbouring field should additional parking be required for functions or events at the pub. In this respect, officers are satisfied that the loss of the overflow car park would not result in on-street parking and as such, it is considered that the proposal will not adversely affect highway safety.</i></p> <p><u>6.6.5</u> <i>The pub has a capacity of 54 covers within a trading area of 32 square metres but the applicant advises that trade can vary and is influenced by factors such as weather conditions, time of year and there is no such thing as a typical day. Officers do consider, however, that the 26 parking spaces available to the front of the pub would be sufficient to accommodate the level of trade likely be generated by the use of the pub. Evidence has also been provided by the applicant of parking provisions available at similar rural pubs within the area. From this information, it can be seen that The Fox actually compares favourably, in relation to the number of covers offered. The applicant has also confirmed that an arrangement is in place with the village hall and a local land owner to provide overspill parking for up to 80</i></p> |

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| | <p><i>cars if required.</i></p> <p><u>Updated Committee report 18 September 2014</u> 0.9 Securing Overflow Parking in S106: <i>It has also been queried by the Parish Council whether the overflow parking on adjacent fields should be secured and controlled by a S106 legal agreement. Members are advised that such an agreement is not considered necessary given that officers consider that the parking available at The Fox Inn is already sufficient to ensure the continued viability of the pub and compares favourably with other rural public houses within the area.</i></p> |
| 6.2.7 | <p>The Design and Access Statement supporting 14/00701/FUL provides a plan showing an existing car parking layout of 26 spaces and was deemed by the applicant to be adequate for the continued operation of the pub. There was no proposal to extend the car park. The applicant spoke during the Central Planning Committee meeting of 26 June 2014 and stated that the proposal would not affect the viability of the pub, the provision of car parking was adequate and an agreement was in place for alternative parking.</p> |
| 6.2.8 | <p>There is a letter on the public file for 14/00701/FUL from a neighbour who offers part of a field to the south of the Fox Inn for additional parking during major events. However that offer was made by the tenant of the land, and appears to have been made on condition that the applicant had also secured authority from the owner. Correspondence has been received from the owner of that land in relation to the current application stating: <i>I have never had any discussions or authorised the use of any part of my land to be used for car parking.</i></p> |
| 6.2.9 | <p>An additional letter from the Village Hall Management Committee was submitted for consideration by Members of the Planning Committee in 2014. The letter states that authority had not been granted to use the Village Hall car park for overspill parking.</p> |
| 6.2.10 | <p>It appears therefore that in 2014, the applicant did not have permission to use other land for overspill parking. Notwithstanding this point, the Officer recommendation, and one accepted by Members, was that parking provision was adequate without alternative arrangements being formally secured by way of a Section 106 agreement or condition on the decision letter (see Appendices 1-3). However it is also accepted that decisions were made on the basis of capacity of 26 spaces in the car park.</p> |
| 6.2.11 | <p>The public objection claims that the car park has an existing capacity of 13 cars and was intended to be enlarged in order to accommodate 24 or 26 cars. This appears to be a misunderstanding. The Design and Access Statement supporting 14/00701/FUL states on Page 5:</p> <p><i>The existing car park for the “Fox Inn” public house is deemed to be more than adequate with room for 26 car parking spaces.</i></p> |
| 6.2.12 | <p>The number of cars which can actually be accommodated is not a significant material planning consideration to this application. In any event, since at least 2000, the car park has not had designated spaces marked out. 14/00701/FUL was</p> |

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| | approved on the basis of the updated Committee report dated 18 September 2014, extracts of which are included above. There was no proposal to extend the car park and no requirement to do so, for example, by way of conditions or other obligations. Essentially, the existing car park was considered sufficient for the continued operation of the pub. |
| 6.2.13 | As part of the current application, the applicant's agent has been invited to secure additional off-site parking, in an attempt to address the concerns raised in representations. No proposals or solution has been forthcoming. |
| 6.3 | Whether the application encroaches into the designated Asset of Community Value (ACV). |
| 6.3.1 | Concerns have been raised that use of the bank as part of the residential development on the lower car park would conflict with the ability of the Fox Inn to be retained and operated as an ACV, or as is more likely to be the case, a CRBP. |
| 6.3.2 | In as far as this matter requires to be considered, it is understood that the registered boundary of the CRBP aligns with the car park boundary, ie the top of the bank. |
| 6.3.3 | There is therefore no conflict with this application. |
| 6.4 | Value of the bank as a buffer screen between the car park and occupiers of adjacent dwellings. |
| 6.4.1 | CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character. |
| 6.4.2 | CS6 also seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. |
| 6.4.3 | The turfed bank and its steps serve no purpose and there is considered to be no reason to have a route between the Fox Inn and the residential development. Together with its landscaping, the bank forms an attractive boundary feature of the development and provides a buffer screen to protect residents from noise and disturbance, particularly from headlights at night, in accordance with the requirements of CS6. A beech hedge has been planted at the top of the bank in accordance with details approved in an application to discharge Condition 6 of 14/00701/FUL. |
| 7.0 | CONCLUSION |
| 7.1 | Overall, the principle of use of the land as part of the adjacent residential development has been established. It has also been demonstrated that contrary to the beliefs of the Parish Council and the single representation received, there was no requirement to extend the car park, or increase the number of spaces available off-site. It is difficult to assess how the size of the existing car park will affect the viability of the Fox Inn. In any event, it is not considered that such an assessment is required to be made, |

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| 7.2 | By virtue of the decisions made by Members in 2014, and by assessment of the approved plans of 14/00701/FUL, it is not considered that the nature of objections to this application are sufficient to alter the planning balance in favour of additional works and landscaping to create a buffer between the car park and residential development. |
| 7.3 | The development will not impact upon its designation as a CRBP. |
| 7.4 | There are demonstrable benefits of the bank in terms of its appearance and ability to protect the amenity of nearby residents, in accordance with CS6. Planning permission is recommended |
| 8.0 | Risk Assessment and Opportunities Appraisal |
| 8.1 | Risk Management |
| | <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> 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. <p>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.</p> |
| 8.2 | Human Rights |
| | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p> |

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| 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS6 - Sustainable Design and Development Principles

RELEVANT PLANNING HISTORY:

09/00974/REM Reserved matters pursuant to outline planning permission ref: 08/1491/O for the erection of a dwelling and two holiday let units to include appearance, landscaping, layout and scale GRANT 22nd July 2009

14/00392/FUL Conversion of dis-used sandstone barn to dwelling with erection of single storey extension and creation of vehicular access GRANT 24th February 2016

14/00701/FUL Erection of six residential dwellings GRANT 5th November 2015

16/01177/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 14/00701/FUL Erection of six residential dwellings DISPAR 13th April 2016

16/03441/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 14/00392/FUL Conversion of dis-used sandstone barn to dwelling with erection of single storey extension and creation of vehicular access DISAPP 20th September 2016

16/03442/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 14/00701/FUL Erection of six residential dwellings DISAPP 20th September 2016

16/04628/VAR Variation of condition number 8 attached to planning permission reference 14/00392/FUL dated 24th February 2014 to enable the installation of a sewage treatment plant for this development PDE

16/04702/DIS Discharge of condition 6 (Landscaping) attached to planning permission 14/00701/FUL Erection of six residential dwellings DISAPP 22nd November 2016

17/01790/FUL Application under Section 73a of the Town & Country Planning Act for turfing over a previous set of steps, together with the installation of timber log retaining wall, and use of the land in association with development approved under 14/00701/FUL (amended description). PDE

17/02064/VAR Variation of condition No. 8 attached to planning permission 14/00392/FUL NPW 4th May 2017

SA/90/0985 Change of use of coach house to residential accommodation. REFUSE 19th December 1990

SA/86/0553 Alterations to provide a flat roof bay window. PERCON 22nd July 1986

SA/79/1226 Erection of a single storey extension comprising of men's toilet and pool room, also alterations and incorporating new windows. PERCON 15th January 1980

SA/77/0868 Alterations and extensions to provide new lounge and toilets, erection of toilet for existing bar and alterations to private living accommodation. PERCON 11th October 1977

SA/99/0693 Change of use of public house to four bedroom dwelling. REFUSE 25th August 1999

SA/95/0923 Erection of 2 floodlights (retrospective). PERCON 27th October 1995

SA/08/1491/O Outline application for the erection of a dwelling and two holiday let units to include access and layout PERCON 10th February 2009

SA/07/0962/F Conversion of a redundant storage building into a single 3 bedroom dwelling, erection of a single storey extension to rear and side and alterations to existing vehicular access REFUSE 15th August 2007

SA/07/0245/F Conversion of a redundant storage building into single, 3 bedroom dwelling, erection of a single storey extension to rear and side and construction of new vehicular access WDN 16th April 2007

Appeal

99/00608/REF Change of use of public house to four bedroom dwelling. DISMIS 18th February 2000

Appeal

90/00829/REF Change of use of coach house to residential accommodation. DISMIS 12th December 1991

11. Additional Information

View details online:

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

APPENDIX 1 – Conditions

Appendix 2

Minutes of Committee Meeting dated 26 June 2014 14/00701/FUL

Appendix 3

Minutes of Committee Meeting dated 18 Sept 2014 14/00701/FUL

Appendix 4

Decision Letter 14/00701/FUL

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

Appendix 2

Minutes of Committee Meeting dated 26 June 2014 14/00701/FUL

The Area Planning and Building Control Manager introduced the application and confirmed Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, revised site layout and elevations. He explained that a request for deferment had been received from local residents in order that they could obtain professional advice regarding the recent comments made by Shropshire Council's Flood and Water Manager. In response to this request, he explained that Shropshire Council Drainage Officers had deemed the drainage to be acceptable and a satisfactory solution had been provided by the applicant.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed additional conditions as suggested by the Shropshire Council's Flood and Water Manager.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, and his declaration of interest as set out in Minute No. 19, Councillor Tim Barker, the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This was a complex and controversial application and would be contrary to SAMDev.

Ms K Halstead, a local resident, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The development could cause flooding and put additional pressure on existing drainage system;
- In heavy rain her property became saturated;
- An unsatisfactory drainage report had been submitted by the applicant; and
- There was a duty to ensure flood risk was not displaced elsewhere.

Cllr Ms S Mackay, representing Condover Parish Council, spoke against the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- The proposal would be contrary to SAMDev and Ryton had countryside status;
- It would be necessary to travel by car to access all services – so proposal would not be sustainable;
- She expressed concerns with regard to the disposal of both foul and sewage water. An unsatisfactory drainage plan had been submitted;
- Water had suddenly started flowing in a ditch that remained dry most of the year;
- There was no agreement in place to utilise parking at the local village hall during events and functions held at the public house;
- Roadside parking would not be an option in Ryton; and

- If planning permission granted the public house would close.

Mr J Owen, the applicant, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

- There was a need for small affordable and open market houses not only in Ryton but countrywide;
- The proposal would be sustainable and would address the housing imbalance in village;
- It would not affect the viability of the public house;
- The provision of parking would be more than adequate;
- There was an agreement in place for any overspill parking that would be required during events and functions;
- He had submitted a comprehensive drainage scheme, which had been approved by Drainage Officers; and
- Watercourses had been filled in by local people.

In response to questions and comments from both speakers and Members, the Senior Drainage Engineer provided clarification on drainage and disposal of both surface water and foul water. The Area Planning and Building Control Manager drew Members' attention to paragraphs 6.6.5 and 6.6.6 of the report which indicated that the parking arrangements would be adequate and the proposal would ensure the protection and retention of an existing community facility.

In the ensuing debate, Members considered the submitted plans and noted the comments and concerns of all the speakers and expressed their own concerns with regard to the drainage. Members acknowledged the need for affordable housing in rural areas but questioned the sustainability of the proposal and held differing views with regard to the design and the appropriateness of the development.

RESOLVED:

That this application be deferred in order that further details can be provided detailing how the drainage and disposal of both surface water and foul water drainage will work and be managed to a satisfactory standard.

Appendix 3**Minutes of Committee Meeting dated 18 Sept 2014 14/00701/FUL**

The Area Planning and Building Control Manager introduced the application, which had been deferred at the 26 June 2014 meeting of this Committee. He drew Members' attention to the amended conditions as set out in Appendix 1 to the report. Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting, and which detailed comments from Shropshire Council's Flood and Water Manager, local residents and the applicant's Drainage Consultant.

Ms K Halstead, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- ¶ She reiterated her concerns regarding the drainage/flooding.

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

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

Mr J Owen, the applicant, spoke for the proposal in accordance with the Council's scheme for public speaking at Planning Committees, during which the following points were raised:

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

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

RESOLVED:

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

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

Appendix 4**Decision Letter 14/00701/FUL****DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION**

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Location: The Fox Inn, Ryton, Shrewsbury, Shropshire

Proposed Development: Erection of six residential dwellings

Application No. 14/00701/FUL

Date Received: 17th February 2014

Applicant: Mr John Owen

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

4. Prior to first occupation of any of the dwellings hereby approved, the vehicular access shall be set out and surfaced in accordance with the approved plans. The access shall thereafter permanently be maintained as agreed.

Reason: In the interests of highway and pedestrian safety

5. Prior to first occupation of the dwellings hereby approved, the parking and turning areas shall be set out in accordance with the details shown in the unreferenced amended site plan received 7th August 2014. On-site parking shall thereafter be retained as shown and kept free from obstruction.

Reason: In the interests of highway safety to ensure that sufficient parking space is available on site and to prevent the occurrence of on-street parking or the requirement to park in the adjacent public house car park where space is limited.

6. Prior to first occupation of the dwellings hereby approved, a scheme of landscaping shall be submitted to and agreed in writing by the local planning authority. The submitted scheme shall include:

Means of enclosure
 Hard surfacing materials
 Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 Planting plans
 Written specifications (including cultivation and other operations associated with plant and grass establishment)
 Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 A timetable for the implementation of the agreed scheme.

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

7. The following restrictions shall apply to windows in the development hereby approved: -
 - The first floor windows in the rear elevation of units 2 and 3 shall be obscure glazed and fitted with opening restrictors (fitted to have a maximum opening of 100mm).
 - The first floor window in the south west facing (side) elevation of unit 4 shall be fitted with obscure glazing.

The above requirements shall have been installed prior to first occupation of the units concerned and shall permanently be retained as such

Reason: To protect the privacy of occupants of Wisteria Cottage and holiday lets.

8. The drainage scheme to be provided in the development hereby approved shall be carried out strictly in accordance with the details indicated in the unreferenced Amended Site Plan received 7th August 2014, Site Layout Plan ref. 1142/11-10 received 23rd May 2014, and Surface Water Drainage Proposal Plans ref. T17219/14/115B and

T17219/14/115D both received 23rd May 2014 together with the accompanying Drainage Statement prepared by David Bennion Drainage dated 20th May 2014. The approved scheme shall be fully completed before the development is first occupied.

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A, B and C, (or any Order amending or revoking and re-enacting that Order), the enlargement, improvement or other alteration of the dwelling shall not be carried out without the express written consent of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class E, (or any Order amending or revoking and re-enacting that Order), the erection of any freestanding structure within the curtilage of the property shall not be carried out without the express written consent of the Local Planning Authority.

Reason: To maintain the appearance and character of the development.

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

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

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

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

Informatives

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.

Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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.

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.

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.

Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/ watercourse is occasionally dry, the treated foul effluent should discharge into a drainage field.

At the reserved matters stage details of how the development will take note of paragraph 35 of the NPPF should be given. Without information which is seen to be appropriate electric vehicle charging points may be recommended as a condition for all dwellings with off road parking.

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website www.buildshropshire.co.uk for pre-application advice and a competitive fee.

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

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Shropshire and Staffordshire Sustainable Drainage Systems (SuDS) Handbook.

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 soak away naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort.

Approved Drawings

| Plan Type | Plan No. | Date Received |
|---------------------|--------------------------------------|----------------------|
| Site Location Plan | 05, Rev. A | 17.02.2014 |
| Combination | 1142/11 - 02 | 17.02.2014 |
| Proposed Floorplans | 1142/11 - 03 | 17.02.2014 |
| Proposed Elevations | 1142/11 - 04 | 17.02.2014 |
| Block Plan | T17219/14/115B | 23.05.2014 |
| Block Plan | T17219/14/115D | 23.05.2014 |
| Block Plan | 1142/11 - 10 | 23.05.2014 |
| Block Plan | UNREFERENCED UPDATED SITE & DRAIN | 07.08.2014 |

14/00701/FUL

Ian Kilby, Development Manager
Date of Decision: 5th November 2015



Committee and date
 Central Planning Committee
 22 June 2017

Item
9
 Public

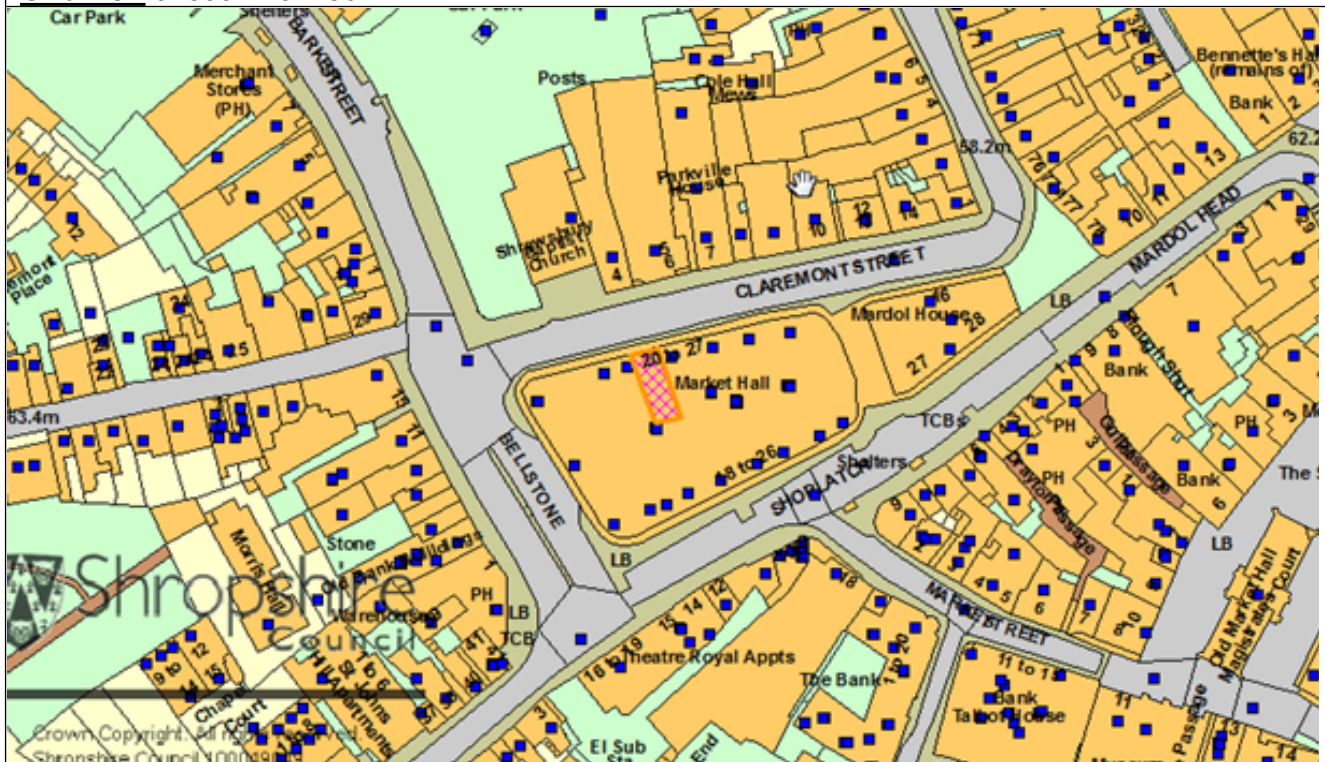
Development Management Report

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

Summary of Application

| | | |
|--|----------------|--|
| Application Number: 17/01861/VAR | Parish: | Shrewsbury Town Council |
| Proposal: Variation of Condition no.7 of Planning Permission SA/04/1625/F to regularise opening hours to bring them in line with premises licence | | |
| Site Address: Subway 27 Claremont Street Shrewsbury SY1 1QG | | |
| Applicant: Mr Michael Gries | | |
| Case Officer: Jane Raymond | | email: planningdmc@shropshire.gov.uk |

Grid Ref: 348991 - 312504



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the variation of condition no.7 of Planning Permission SA/04/1625/F to regularise opening hours to bring them in line with the premises licence hours.

1.2 Condition 7 states the following:

The premises shall not be open to the public, nor any services be available to the public between the hours of 18:30 and 08:00 Monday to Sunday and no member of the public shall remain on the premises between these hours.

Reason: To ensure that an uncontrolled intensification of this use does not occur, to the detriment of the amenities of the surrounding area.

1.3 The licensing hours and hours applied for are as follows:

Monday: 07.00 to 23.00

Tuesday: 07.00 to 23.00

Wednesday: 07.00 to 03.00

Thursday: 07.00 to 23.00

Friday: 07.00 to 03.00

Saturday: 07.00 to 03.00

Sunday: 07.00 to 23.00 (and to 03:00 prior to a bank holiday)

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is 27 Claremont Street, which is a retail unit beneath the Market Hall in Shrewsbury Town Centre.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **SC Archaeology:** We have no comments to make on this application with respect to archaeological matters.

4.1.2 **SC Conservation:** No Conservation comments

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Has concerns over the cumulative affect of late night opening of establishments and the creep of late night opening beyond the established area around the west end of town; therefore the Town Council opposes this application whilst the opening hours remain as stated. Members are mindful to support midnight opening on Friday and Saturday but are insistent that any opening beyond 11pm on Wednesdays is inappropriate for the area. Furthermore, the Town Council requests that conditions are imposed that requires door security at this location when opening hours extend beyond 11pm.

4.2.2 **One letter of objection received from the previous local member:**

The argument of the applicant is that varying the Planning permission to the times stated would bring the Planning Permission in line with the Licence.

However Public Protection has recently objected to a proposed bar right opposite Subway on Claremont St staying open till 2am, on the grounds that there would be no way of controlling the noise created outside the establishment at closing time. Claremont St is now heavily residential, not only because of the student accommodation in Mardol House, but because of residential accommodation opposite Subway.

By remaining open till 3am three nights a week, Subway would be attracting large numbers of people leaving the Late Night Bars in the adjacent West End, so making it very difficult for residents (and visitors in nearby hotels) to enjoy a reasonable night's sleep.

The ENTEPG has reached a stage, where it is generally agreed that the overall welfare of the town is more important than increasing the profit of a few establishments. I hope that this application will be refused for this reason.

5.0 THE MAIN ISSUES

The main issue is the Impact on local and residential amenity as a result of extending the hours.

6.0 OFFICER APPRAISAL

6.1 Impact on local and residential amenity

6.1.1 Core Strategy CS6 states that, amongst other objectives, development should contribute to the health and wellbeing of communities, including safeguarding residential and local amenity. The planning permission for change of use from a shop to a sandwich shop and café was approved in 2004 and the condition imposed limited the opening hours to those applied for at that time. The licensing hours have been extended so that the business can remain open for customers later into the evening.

- 6.1.2 It is recognised that late night uses can cause issues in relation to the amenity of residents living in close proximity to the site or on routes leading to or away from the site and other venues. In assessing the application it is therefore necessary to consider whether the extended hours proposed will lead to a significant increase in activity and people attending this part of the town centre at the hours requested and whether this would cause harm to residential amenity. In considering this issue recognition should be given to the fact that there are already a number of establishments operating during late evening / early morning hours.
- 6.1.3 There a variety of pubs and restaurants within the immediate vicinity of the site and some further afield within the Town Centre all with a range of closing times and some very late into the early hours of the morning. The late night / early morning closing times and management of all licenced premises are controlled by Licensing.
- 6.1.4 This late night activity is an already established activity so should not be considered as something alien within this part of the town centre. It is considered that an extension of the opening hours to match that already granted by licensing will not result in a significant increase in noise and activity in this part of town or within streets or routes to or away from the site above that which already exists.
- 6.1.5 The licensing regime already controls issues of disturbance and noise generated from patrons leaving premises late at night and a licence can be revoked if there are grounds to do so. This power extends beyond that of a planning permission (even with conditions imposed) and the licencing regime is therefore considered the most appropriate tool to control the opening hours and any potential noise issues in future should they arise.
- 6.1.6 It is considered appropriate to remove the opening hours condition completely and is therefore considered acceptable to vary the condition as applied for.

7.0 **CONCLUSION**

- 7.1 The town centre is a location within which an active and thriving late night economy should be promoted, and with adequate public protection provided by the Councils Licensing department and external agencies, it is considered that this proposal would have no significant impact on local and residential amenity. It is considered that the proposed hours of opening are acceptable having regard to the existing opening hours of premises in the locality and that the proposal would not result in a significant increase in noise and disturbance in the locality above that which already exists and therefore accords with CS6. Approval is therefore recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS6

RELEVANT PLANNING HISTORY:

SA/04/1625/F Change of use from retail (Class A1) to cafe/sandwich shop PERCON 13th December 2004

11. Additional Information

| |
|---|
| List of Background Papers: File 17/01861/VAR |
| Cabinet Member (Portfolio Holder): Cllr R. Macey |
| Local Member: Cllr Nat Green |
| Appendices APPENDIX 1 - Conditions |

Conditions**STANDARD CONDITION(S)**

1. Condition 7 attached to planning permission SA/04/1625/F is hereby varied to read as follows:

The premises shall not be open to the public/customers, nor any services be available to the public/customers, nor shall any member of the public/customers remain on the premises outside the following hours:

Monday: 07.00 to 23.00

Tuesday: 07.00 to 23.00

Wednesday: 07.00 to 03.00

Thursday: 07.00 to 23.00

Friday: 07.00 to 03.00

Saturday: 07.00 to 03.00

Sunday: 07.00 to 23.00 (and to 03:00 prior to a bank holiday)

Reason: To safeguard the residential amenities of the area, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy.

2. This permission only varies condition 7 attached to Planning Permission SA/04/1625/F and this notice must be read in conjunction with planning permission reference SA/04/1625/F where all conditions that are still subsisting and capable of taking effect are unaffected by this notice and remain in force.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the original planning permission.

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Committee and date
 Central Planning Committee
 22 June 2017

Item
10
 Public

Development Management Report

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

| | |
|---------------------------------------|---|
| LPA reference | 16/05410/FUL |
| Appeal against | Appeal Against Refusal |
| Appellant | Mr Mario Nicholas |
| Proposal | Erection of single detached dwelling and garage; formation of vehicular access |
| Location | Land East Of Primrose Drive Shrewsbury |
| Date of application | 28.11.2016 |
| Officer recommendation | Grant Permission |
| Committee decision (delegated) | Committee |
| Date of decision | 07.03.2017 |
| Date of appeal | 08.04.2017 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Determination time (weeks) | |
| Appeal decision | |
| Details | |

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