



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

Date: Wednesday, 4 April 2018

Committee:
Central Planning Committee

Date: Thursday, 12 April 2018

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
Dan Morris
Lezley Picton
Claire Wild

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 - 4)

To confirm the Minutes of the meeting of the Central Planning Committee held on 15th March 2018.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on 11th April 2018

4 Disclosable Pecuniary Interests

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

5 Proposed Residential Development Land to the West of Ellesmere Road, Shrewsbury - 17/05772/OUT (Pages 5 - 46)

Outline application for the erection of 36No dwellings and associated infrastructure (to include access, appearance, layout and scale)(re-submission)

6 Development Land to the South of Oteley Road, Shrewsbury - 17/06149/REM (Pages 47 - 70)

Submission of reserved matters (appearance, landscaping, layout and scale) pursuant to the Outline Planning Permission 14/04428/OUT for the erection of 164 dwellings

7 Proposed Affordable Dwelling NW of Terrace Farm, Cruckton, Shrewsbury - 17/05333/FUL (Pages 71 - 92)

Erection of an affordable dwelling, associated garage and installation of septic tank

8 Swan House, Frodesley, Dorrington, Shrewsbury - 17/03895/OUT (Pages 93 - 118)

Outline application for demolition of former public house (with ancillary residential accommodation) and erection of a dwelling (amended description)

9 Oak Tree Farm Frodesley, Shrewsbury, Shropshire - 18/00730/VAR (Pages 119 - 128)

Variation of Condition No. 2 (approved plans) attached to Planning Permission 14/01989/FUL dated 28 July 2014 to allow for the porch area to be extended and closed in providing additional storage space

10 Schedule of Appeals and Appeal Decisions (Pages 129 - 132)

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, 10th May 2018 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

12th April 2018

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 15 March 2018

2.00 - 2.45 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, Tony Parsons, Ed Potter, Kevin Parry, Keith Roberts, David Vasmer, Peter Adams (Substitute for Alexander Phillips) and Harry Taylor (Substitute for Pamela Moseley)

110 **Apologies for absence**

Apologies for absence were received from Councillors Alex Phillips (Substitute: Peter Adams) and Pam Moseley (Substitute: Harry Taylor).

111 **Minutes**

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 15th February 2018 be approved as a correct record and signed by the Chairman.

112 **Public Question Time**

There were no public questions or petitions received.

113 **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.

114 **Harlyn, Pulley Lane, Bayston Hill, Shrewsbury - 17/04769/OUT**

Councillor Ted Clarke as local ward Councillor vacated the Chair. Councillor Nat Green as Vice-Chairman presided as Chairman for this item.

Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.

The Principal Planning Officer introduced the outline application (all matters reserved) for the erection of 2 dwellings. The Committee 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 Principal Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from the agent acting for the applicant and SC Trees in relation to trees on the site and advised that if Members were minded to approve the application Condition 4 should be amended to include details regarding the Arboricultural Impact Assessment and to state that the development be implemented in accordance with the approved details.

Mr Rod Hudson, on behalf of Bayston Hill Parish Council 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 Ted Clarke 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 developer had not taken the existing street scene into account;
- Pulley Lane was a busy commuter route used extensively by Bayston Hill residents; and
- There was a need for smaller house types in Bayston Hill such as bungalows.

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

In response to Members the Principal Planning Officer explained that the site would easily accommodate 2 dwellings and noted that it would be unreasonable to request a certain house type but an informative could be added to the decision notice in relation to the desirability of providing more bungalows within the parish to meet local need. Additionally he stated that if Members were concerned in regards to the impact on the house to the north a request for a shadowing diagram could be added to an informative.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, Members unanimously expressed the view that the application be approved as per the Officer's recommendation subject to the amendments discussed in relation to Condition 4 and the inclusion of an informative in regards to the preferred house type and the impact on the property to the north.

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;
- Condition 4 being amended as follows:

The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

- Details of the proposed foul and surface drainage, including details and sizing of any percolation tests carried out and proposed soakaways;
- Details of the means of access to the site including the layout of parking and turning areas, construction and sightlines;
- Details of a revised and updated Arboricultural Impact Assessment that assesses any impacts arising from the detailed scheme proposed and demonstrates that any retained trees can be protected sufficiently

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the drainage and access provisions of the development are of a safe and appropriate standard; and

- The following Informative being added to the decision.

The Central Planning Committee of Shropshire Council has carefully considered the application. It has granted outline planning permission but offers the following advice relating to the discharge of reserved matters:

- Bayston Hill Parish Council has drawn your attention to the desirability of providing more bungalows within the parish to meet local need – you are invited to speak with the Parish Council about this matter before you finalise the design of the houses;
- The Committee has taken account of the sensitive relationship between the application site and Hay-Tor to the north. You are urged to submit a daylight and sunlight plan consistent with the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209) with the reserved matters to show that the living conditions of the neighbouring residents will not be adversely affected by any final dwelling.

115 Bridge Inn, Dorrington, Shrewsbury - 17/05769/COU

The Technical Specialist Planning Officer introduced the application for the change of use of former the public house to create 2 dwellings with associated curtilage 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 Principal Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from a neighbouring property, Campaign for Real Ale (CAMRA) Shrewsbury and West Shropshire Branch and Members of the public.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the Officer's recommendation subject to Condition 4 being amended to state that the development be implemented in accordance with the approved details.

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; and
- Condition 4 being amended to include the following wording:

The development shall thereafter be implemented in accordance with the approved details.

116 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 15th March 2018 be noted.

117 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, 12th April 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date

Central Planning Committee

12 April 2018

Item

5

Public

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/05772/OUT

Parish:

Shrewsbury Town Council

Proposal: Outline application for the erection of 36No dwellings and associated infrastructure (to include access, appearance, layout and scale)(re-submission)

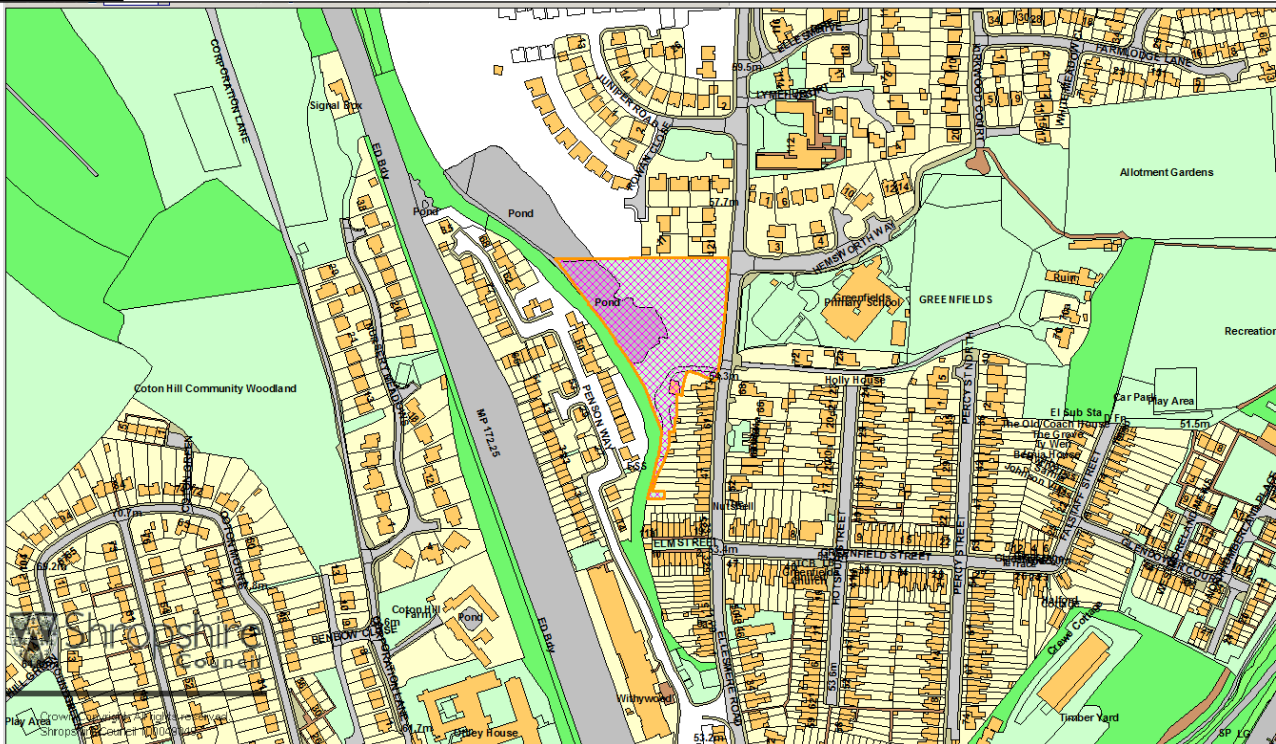
Site Address: Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury Shropshire

Applicant: The Saxonby Group

Case Officer: Kelvin Hall

email: planningdmc@shropshire.gov.uk

Grid Ref: 349261 - 313972



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 2 and the completion of a Section 106 agreement to provide affordable housing and a financial contribution towards highway improvements.

REPORT

1.0 THE PROPOSAL

1.1 Background: Outline planning permission for the erection of three blocks of residential units (38no.) on land off Ellesmere Road was refused on 28th June 2017 in accordance with the resolution of the Central Planning Committee which was made at its meeting in June 2017 (application ref. no. 16/03225/OUT). The reasons for refusal were as follows:

- 1.2
1. *The proposed development would be located on a green field site in the open countryside outside of any settlement identified in the adopted Development Plan as suitable for open market residential development. The site is not allocated for development in the Development Plan and nor does it meet any of the exceptions to the approach to sustainable development set out in the Plan. The proposed residential development on the site would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy. Whilst it is acknowledged that the proposed development offers a number of local community benefits, these are not considered to carry sufficient weight to outweigh the strategy of the Plan. As such, the proposal will conflict with Policies CS1, CS4 and CS5 of the adopted Shropshire Core Strategy and MD1, MD3, MD7a and S16 of the adopted SAMDev Plan, as well as national guidance contained within the National Planning Policy Framework in respect of residential development in the open countryside.*
 2. *The site constitutes one of the remaining vestiges of open countryside within the immediate area. The development of this green field site for thirty eight dwellings would erode the character of the area by removal of the existing frontage hedgerow and by introducing development of a predominantly urban form into the open countryside which would appear incongruous and intrusive to the detriment of the rural setting of the locality. The proposal would thereby be contrary to the provisions of the Framework and Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.*
 3. *The proposed development, due to its design, scale, massing and layout, is considered to be an overdevelopment of the site which would be out of keeping with the prevailing character of the surrounding area and would not form a suitable transition between adjoining development types. As such, it would appear as an incongruous urban feature to the detriment of local amenity and would thereby be contrary to Policies CS6 of the adopted Shropshire Core Strategy and MD2 of the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan.*

- 1.3 An appeal has been made against the Committee decision to refuse the previous application ref. 16/03225/OUT. The Planning Inspectorate has confirmed that this is to be dealt with by a hearing to be held on 15th May 2018.
- 1.4 Current proposal: The current application for residential development at the site seeks to address the above reasons for refusal. The application has been submitted in outline however it includes detailed matters of access, appearance, layout and scale. The only matter reserved for subsequent approval is landscaping. It proposes the construction of 36 dwellings to be provided in three apartment blocks. Two of these blocks (blocks A and C) would have frontages close to the Ellesmere Road. Block B would be situated behind block A, and orientated perpendicular to it along the northern side of the site.
- 1.5 The site slopes down from east to west and the development has been designed to follow the topography. Blocks A and C would be seen as two storeys from Ellesmere Road, with an additional floor of accommodation within the roofspace. From the rear elevation of these blocks there would be three storeys, with under-croft car parking at ground floor level. Block A would be 38 metres wide and block C would be 25 metres wide. From the Ellesmere Road side they would measure approximately 4.8 metres to eaves and 9 metres to ridge.
- 1.6 Block B would have three storeys with parking on part of the ground floor level and additional roofspace accommodation. This block would be 32 metres wide x 19.5 metres deep, with an eaves height of 7.6 metres and a ridge height of 11.8 metres.
- 1.7 Vehicle access to the site would be via a new access road connecting directly to Ellesmere Road at a point between the two roadside apartment blocks. There is an existing track at the south-eastern side of the site which connects to Ellesmere Road. At present this is used informally by residents of the terraced properties to the south to access their rear gardens. The current application proposes that this access is removed and that these residents use the proposed new access instead.
- 1.8 The pond on the site would be retained. This, and other land to the rear of the apartment blocks, would be set aside for amenity space and habitat enhancement.
- 2.0 SITE LOCATION/DESCRIPTION**
- 2.1 The application site is located in the Greenfields area of Shrewsbury, to the north of the town centre. The site comprises an area of greenspace of approximately 0.8 hectares in size. This is predominantly laid to grass but includes the southern part of a pond. The site slopes down from east to west towards the pond.
- 2.2 The majority of the application site lies just outside of the development boundary of Shrewsbury. A small part of the southern side of the site falls within it but the area where the apartments would be situated lies outside of it. The development boundary runs alongside both the western and eastern boundaries of the site. Surrounding land use is principally residential. Land to the west is a recently built housing estate developed by Lovell's, providing 147 dwellings. Land to the north is a residential development recently constructed by Redrow Homes for 75 dwellings. A hedgerow

forms the eastern boundary of the site. Beyond this is the A528 Ellesmere Road, one of the main arterial routes into and out of Shrewsbury. Further to the east is the established residential area of Greenfields and Greenfields School. To the south is a row of two-storey terraced houses which front Ellesmere Road.

- 2.3 Notwithstanding the presence of built development surrounding the site it is nevertheless classed as 'countryside' for planning policy purposes as it lies outside of the development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member, Cllr Phillips, has requested that that application is determined by Planning Committee. The Planning Manager in consultation with the Committee Chairman has agreed that this request is based on material planning reasons. As such, in line with the Council's Scheme of Delegation, it is appropriate for the application to be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council** Supports the application. Members were pleased to receive a presentation from the applicant and be given the opportunity to ask questions. Having looked at the revised scheme, the majority of Members considered it to be an improvement, one remained neutral and another chose not to comment. Overall, the Town Council supports this application based on the revised scheme.

4.1.2 SC Planning Policy

1. This policy comment re-addresses the principle of permitting residential development on land west of Ellesmere Road in relation to application 17/05772/OUT for 36No. dwellings.

2. This application requires a re-assessment of the principle of residential development in relation to the reasons for refusing previous application 16/03225/OUT for 38No. dwellings. These refusal reasons appear to indicate that the principle of development is related to the scale, massing and design of the proposed development. The reasons for refusing application 16/03225/OUT may be briefly summarised as:

a) The proposed development is located on a greenfield site in the open countryside outside of any settlement identified for open market housing. The site is not allocated for development nor does it meet exceptions to the approach to sustainable development in the Plan and would be incompatible with the principles of sustainable development and would undermine the development strategy in the adopted Local Plan. The proposed development does offer a number of local community benefits but do not outweigh the conflict with the strategy and policies CS1, CS4, CS5, MD1, MD3, MD7a and S16;

b) The site is one of the remaining vestiges of open countryside and the proposed development would erode the character of the area by removing the frontage hedgerow to the site to introduce a predominantly urban form into the open

countryside contrary to policies CS6 and MD2;

c) The design, scale, massing and layout is considered to be overdevelopment out of keeping with the prevailing character of the surrounding area and would not form a suitable transition between the adjoining development types forming an incongruous urban feature to the detriment of local amenity contrary to policies CS6 and MD2.

3. The current application 17/05772/OUT is considered to partially address the refusal reasons for application 16/03225/OUT in the following ways:

a) The scale of the development has reduced to yield 36No. dwellings equal to a reduction of 2 dwellings from the development of 38No. dwellings proposed in the previous, refused application 16/03225/OUT;

b) The newly proposed development does have the similar massing as it still comprises three building blocks of comparative size and floor area and so, requires further assessment in respect of the scale and grain of the surrounding development. However, further details about the design and materials for these building blocks have yet to be submitted to satisfy Policy MD2 and so, further consideration may be given to the effects of these details on the suitability and impacts of the overall design;

c) This further consideration of the detailed design and materials may support the current recognition that a greater variety in the roof plan and in the design and character of the elevations of the building blocks has been achieved in a way that better references elements of the local vernacular style;

d) The proposed development has the potential to respect and mitigate for any harmful effects on the landscape, habitat and biodiversity of the application site.

4. Although application 17/05772/OUT does not entirely mitigate for the matters raised in refusal reasons b). and c). this new application goes some way to addressing these matters and additional evidence from the applicant may further weigh in favour of this revised development proposal. It is therefore appropriate to re-assess the principle of residential development on this land in relation to the revised development proposed in application 17/05772/OUT.

5. In re-assessing the principle of residential development for the reduced capacity of 36No. dwellings in application 17/05772/OUT this determination still encounters some of the policy constraints identified in relation to application 16/03225/OUT. These constraints are identified in refusal reasons a). and b) and may be briefly summarised as follows:

a) The application site adjoins the built form of Shrewsbury but lies outside the development boundary of the town and so, residential development of this land is contrary to Core Strategy Policy CS5, which strictly controls new, open market housing development in the open countryside;

b) The open character of this land remains significant despite the application site being completely bounded by residential development and being visually enclosed within the townscape of Shrewsbury. The site is bounded to the south by the historical housing of the Greenfields neighbourhood, by contemporary housing on previous allocations to the east at Herongate and to the west on former Network Rail land and the current development of permission 13/05124/FUL by Redrow Homes in the countryside to the north. This Redrow Homes development, permitted in 2014, was approved when a five year supply of deliverable housing sites could not be

demonstrated. The housing land supply is now equal to 6.04 years and so, Policy CS5 must be considered in determining the current application;

c) The application site maintains a visual relationship with the surrounding countryside landscape. The land also accommodates habitats and species that afford some biodiversity value to the land as part of the Shropshire Environmental Network protected by Core Strategy Policy CS17.

6. The application site has a close connection with the built form of Shrewsbury being visually enclosed within the residential development in the Greenfields neighbourhood. This enclosure of countryside into the urban form of Shrewsbury is not uncommon. The townscape is characterised by ‘wedges’ of open land often penetrating deep into the town along rivers and brooks or as discrete areas of public and private parkland and amenity spaces reflecting the effects of landownership decisions and the purpose and use of their land. Many of these open areas of land form part of the urban ‘green’ infrastructure because either:

a) the landowner uses their land in a manner that does not require built development and so, the land remains open and unimproved or is improved / formally laid out as parkland, gardens or amenity spaces;

b) or, the landowner actively seeks to develop their land and the scale and layout of these developments enables some open land to be retained which contributes to the urban ‘green’ infrastructure.

7. The submission of application 17/05772/OUT with a reduced scale of development, on land now enclosed within the townscape of Shrewsbury, might therefore represent an opportunity in relation to Policies CS6, MD2 and CS17. The proposal might permit improvements to the natural environment within the town by partially retaining and improving the countryside character of the land, conserving the biodiversity of the site and its contribution to the Shropshire Environmental Network in relation to Policies CS6, MD2 and CS17. These effects, in turn, may contribute to the health and well-being of the local community by enhancing the urban ‘green’ infrastructure in Greenfields. These considerations might complement the improvement noted in the design of the proposed scheme, subject to further design details required in any subsequent reserved matters.

8. A grant of permission for application 17/05772/OUT with a reduction of 2 dwellings in the site capacity would now permit the retention of the frontage hedgerow to the application site but the larger proportion of the application site would still be used for housing development. However, the remainder of the site would largely retain the existing character of open countryside and could make a significant contribution to the urban ‘green’ infrastructure of the Greenfields neighbourhood. This comprises the existing open body of water on the site caused by the gentle slope of the site and the surrounding topography. The open land adjoining this body of water would also be retained with some limited improvement and along with the boundary trees around the site would provide some important habitat and contribute to the visual and recreational amenity of the land.

9. The benefits of these outcomes should be weighed against the long term potential to retain the whole site in open uses. The successive submission of applications to develop this land clearly indicate the landowner’s intentions for his

land. In this respect, the emerging review of the Local Plan would provide a further opportunity to bring the land forward for development on the edge of the town to help satisfy the anticipated increase in the scale of development within Shrewsbury. The County town is currently expected to provide for 25% of the housing development in Shropshire and this is likely to increase to 30% in the Local Plan review.

10. Whilst the land is designated as open countryside and is protected by Core Strategy Policy CS5 it is appropriate to also address the effect of other policies on the principle of developing this land. The application site is visually enclosed within residential developments on the edge of Shrewsbury and has visually become a part of the town, albeit the land remains open and is outside the current development boundary.

11. As the land lies within the townscape of Shrewsbury, Core Strategy Policy CS2 : Shrewsbury and Settlement Policy S16 might also be addressed in relation to application 17/05772/OUT. Policy CS2 sets out the broad strategy for Shrewsbury but in reality, this policy provides little comfort to this application. The primary focus for development in Shrewsbury is to make the best use of previously developed land and buildings and to bring forward land allocated for development in the Sustainable Urban Extensions to the town with other sustainable housing land releases in the SAMDev Plan meeting the balance of the housing required.

12. Settlement Policy S16 seeks to explain this strategy in a much finer grain of detail and recognises in S16.3 that 'New housing development will be delivered through a combination of existing brownfield sites and a range of new greenfield sites, both sites allocated for development and windfall opportunities'. In this respect, land to the north of the application site was approved for housing development during a period when the housing land supply was constrained. As the housing land supply increased, the Council continued to recognise the benefits of allowing this proposed housing to proceed to development. This circumstance was reflected in the guidance in paragraph 4.169 to Policy S16 that 'The Council recognises that land off Ellesmere Road could be a potential long term direction for growth for the town, but considers that such growth should be linked with the delivery of the (North West) Relief Road. The scope for significant developments in that area is particularly affected by the need for the road as, cumulatively, development would have adverse traffic impacts on this major approach to the town centre. Any proposals for development on land west of Ellesmere Road brought forward in the context of Policy MD3 would need to be co-ordinated with and, where necessary, help fund the Relief Road, providing land and/or contributory finance as appropriate'.

13. The Local Plan recognises the west of Ellesmere Road to be a potential focus for housing development capable of delivering greenfield windfall sites to support the housing land supply in Shrewsbury in accordance with Policy MD3. In the case of modest sites like the current application and the site of the adjoining Redrow Homes development, a contribution to the North West Relief Road would not be essential. However, such sites may contribute to the range and choice of housing especially in north Shrewsbury where the proposals would not have adverse traffic impacts on this major approach to the town centre.

14. A need for this development in order to contribute to the supply of housing in Shrewsbury is not currently evident in the Five Year Housing Land Supply Statement (2017). The supply of housing in Shrewsbury is in excess of 7,500 dwellings and so, exceeds the requirement for Shrewsbury of 6,500 dwellings by just over 1,000 dwellings. Any further provision of windfall housing sites would therefore only serve to provide greater surety over the flexibility of the supply and to offer a wider range and choice in the type, size and tenure of the dwellings available in the town. In this respect, it might be possible to consider approving application 17/05772/OUT in relation to Policy MD3 to satisfy the local objectives set out in Settlement Policy S16.3.

15. SAMDev Policy MD3 seeks to manage the delivery of housing development by managing the objectives of the Local Plan strategy in Core Strategy Policies CS2 and S16 to deliver the planning and development strategy for Shrewsbury and in Policy CS5 to strictly control new development in the Countryside. This requires the determination of application 17/05772/OUT to firstly identify whether:

- a) the application site makes a significant contribution to the character of the open countryside adjoining Shrewsbury in relation to Policy CS5;
- b) or whether it might be better to bring the land forward for housing development in relation to Policies CS2 and S16 and to secure the long term protection of part of the land in open uses.

16. The latter alternative option would enable the site to contribute to the range and choice of housing being delivered in north Shrewsbury and would secure a significant proportion of the land in open uses to contribute to both the Shropshire Environmental Network and the urban green infrastructure in the Greenfields neighbourhood. A positive determination of application 17/05772/OUT in relation to Policy MD3 to meet the objectives of Policies CS2 and S16 would also require the following material considerations in Policy MD3 to be satisfied:

- a) The residential proposal met the design requirements of relevant policies in the Local Plan which is considered in paragraph 3 of this policy comment;
- b) Sites of five or more dwellings include a mix and type of housing that has regard to local evidence and community consultation that is considered separately in the consultee responses to this application.

4.1.2 **SC Conservation**

This is an outline application (including access, appearance, layout and scale) for the erection of three blocks of residential units and associated infrastructure on proposed Residential Development Land to the West of Ellesmere Road Shrewsbury Shropshire. The proposal site lies opposite the Greenfields Primary School and adjacent to a row of Victorian terraced properties along Ellesmere Road.

Background and planning history:

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. A previous application on the site, which had been put forward for approval by the case officer, was refused by committee decision in 2017 and is currently being appealed. Our comments during that time included broad support, from a design and historic

environment perspective, for the principle of development on the site, and its reduced footprint, but expressed concerns about the depth and bulk of the built form, concluding that 'the scale of this development is still significant in the context of the surrounding urban grain'.

Policy context:

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.

Design context:

The appointment of a new architect for this re-submission provided an opportunity for the re-working of the scheme. Whilst there appears to be more variety in the roof plan, and an approach to design which better references elements of the local vernacular style in terms of its character, including the flat topped double height bays and projecting gables, the floor area and size of each of the three blocks is still the same or similar to the refused scheme. In terms of context, the scheme continues to fail to respect the scale and grain of surrounding development and its bulk appears to dominate both the terraces to the south and the detached properties to the north.

The information submitted with the application has not included sufficient detail of the proposed finishes and materials – sensitive use of materials can overcome adverse impacts, and in this case could reduce the visual effect of the bulk of the individual blocks. Without such information, we cannot comment fully on the proposed appearance of the building and therefore its impact or acceptability.

It is not considered that the additional details submitted provide sufficient information to be able to provide any substantive further comment from a design perspective. Conditions should be imposed to require the submission of details for approval of all external materials, including details of roofing materials, the design of eaves and verges, details of all joinery including depth of window reveals and brickwork type and bond.

4.1.3 SC Archaeology No comments to make.

4.1.4 SC Highways Development Control

Further details required (comments dated 18/01/18). There is insufficient detail submitted with the application to make an informed Highway comment, at this time.

The application proposes a development of 36 apartments with vehicular access directly to the A528 Ellesmere Road. The application is a resubmission of planning application 16/03225/OUT which was refused in June 2017.

The development is described in the submitted Design and Access Statement and

Planning Application Supporting Statement and shown on the Site Plan as Proposed (Drawing No. L001) and floor layout/apartment mix plans (Drawings No's L020, L021, L022 and L023).

A Highway Access Statement has also been provided, however, this document was superseded by a Technical Note which was accepted during the consideration of planning application 16/03225/OUT. It is considered that an updated version of the previously accepted Technical Note or a further Transport Assessment/Statement is required in support of this application.

Comments in respect of the submitted documents and drawings are set out below: -

Site Plan as Proposed (Drawing No. L001):

The configuration of the access road and turning head is currently not considered to meet Shropshire Council's standards for adoption as public highway. Any review of the road layout will need to show the proposed gradient of the access road and footways and demonstrate that the road and turning areas are able to accommodate a large refuse collection vehicle. Alternatively, clarification should be requested as to whether the internal road is intended to be privately managed/maintained in which case alternative means of refuse and recycling collection may need to be identified.

The apartment block boundaries fronting the A528 Ellesmere Road require minor adjustments to provide a 2 metre wide footway to ensure consistency with that approved for the development site to the north and to provide or safeguard minimum 2.4 x 43 metre visibility splays to Ellesmere Road.

It is noted that a section of the car parking within the row of 14 car parking spaces to the rear of the access road do not have sufficient manoeuvring width within the access road and may result in vehicles oversailing the wide footway opposite to the detriment of pedestrian safety.

The access point to the under-croft parking within Block C appears to differ from that indicated on the Lower Ground Floor Apartment Mix plan (Drawing No. L020) and requires clarification and amendment to ensure that the drawings are consistent.

Parking: Contrary to Paragraph 5.29 of the submitted Planning Application Supporting Statement (*96 parking spaces*), the Site Plan as Proposed and Lower Ground Floor Apartment Mix drawings show a total of 64 parking spaces for the apartments, including four designated disabled spaces. A further 9 spaces are shown to the rear of the terraced houses (No's 57-73 Ellesmere Road) resulting in a total parking provision of 73 spaces.

The submitted floor layout/apartment mix drawings (No's L020, L021, L022 and L023) do not show the number of bedrooms within the apartments or any specific internal facilities, for example, lifts, stairs or refuse storage. The mix of apartment units and bedrooms are, however, set out within the Design and Access Statement and applying a rate of parking based upon 200% for the 3-bedroom units and 150% for the 1 and 2-bedroom units (plus 9 spaces for the existing terraced houses) the total parking requirement would be 66 spaces. With 73 spaces shown within the site and

buildings combined there is a small surplus and some flexibility in the provision.

In view of the small surplus of parking provision, it is considered that the disabled parking spaces to the north of Block B should be reviewed. These spaces are remote from the southern end of Block A and all of Block C and it is considered that the location of the disabled parking spaces should be reviewed for each block with a view to providing more accessible disabled parking, either within the under-croft parking in close proximity to lifts, or within the parking area at the rear of the access road.

General Comments:

Paragraphs 3.6 and 5.28 of the submitted Planning Application Supporting Statement make reference to the new access to Ellesmere Road operating “in conjunction with the existing access / on the southern edge of the site”. It was previously considered that the existing access would be closed in favour of the new access arrangements to the additional parking at the rear of the terraced dwellings. No details of any alternative arrangement appear to be shown on the submitted Site Plan as Proposed (Drawing No. L001) and it is considered that this should be clarified.

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

The principle of a contribution from this site towards the traffic signal controlled pedestrian crossing on Ellesmere Road was identified during the consideration of 16/03225/OUT. Based upon the contribution from the adjacent residential development site, the amount is calculated as £24,000 for the current number of apartments and confirmation of this contribution is requested from the applicant.

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 traffic signal controlled pedestrian crossing and in light of the use of the improved access and parking arrangements shown to the rear of the terraced houses.

4.1.5 **SC Drainage** Recommends a condition to require the submission of a surface and four water drainage scheme.

4.1.6 **SC Regulatory Services** Recommends conditions.

Noise: Having considered the noise assessment it is recommended that a condition is imposed to require that glazing in the façade facing Ellesmere Road is of a minimum standard of 6-12-6 and shall have acoustically attenuated trickle vents that achieve equal noise attenuation to the glazing.

Contamination issues: A Ground Investigation Report, dated 11th August 2015 has been submitted in support of this application. The investigation was undertaken over 2 and a half years ago and the soil analysis results taken from 4 boreholes only and

from the topsoil at a reported depth of 0.00m. The report states that made ground is present as recorded in CP3 and CP4 and includes old domestic type waste, ash, clinker, rope, pipe etc. which does not appear to have been sampled.

CP4 was monitored for landfill gas and elevated levels of CO2 recorded.

Having regard to the age of the report, the size of the site and that soil analysis was obtained from the surface from 4 boreholes only I do not consider that sufficient site coverage and assessment has been carried out and therefore further investigation is required. Accordingly, if this application was approved, full contaminated land conditions should be included (see Appendix 1)

4.1.7 **SC Ecology** Recommends conditions and informatives.

I have provided a European Protected Species 3 tests matrix at the end of this response. 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.

This response is an updated version of my colleague's response to application 16/03225/OUT.

A Preliminary Ecological Assessment was carried out in June 2015 by Turnstone Ecology. This was updated in April 2016. Great crested newt surveys were carried out on spring 2016 and spring 2017. A Great Crested Newt Mitigation and Management document has also been submitted.

Great crested newts: 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. (This can be found in the documents associated with planning application 16/03225/OUT, reference DAS/11746/207322, dated 3rd March 2017). It would be useful if this document could be attached to 17/05772/OUT.

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:

- All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148ha of dense ruderal and grass habitat around the edges of the pond) and 0.042ha 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 0.8ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078ha 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 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 at the end of this response. 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.

A Construction Environmental Management Plan, Landscaping plan and Habitat Management Plan will need to be submitted with the Reserved Matters application.

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. The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

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).

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 and opportunities for house sparrow and house martin should be included in the site design.

Conditions:

It is recommended that conditions should be included on the decision notice to require: submission for approval of a Construction Environmental Management Plan; landscaping plan; habitat management plan (post-construction); details of bat and bird boxes; external lighting; requirement for European Protection Species licence or details of why this is not required; pre-commencement badger check; works to adhere to ecological report (see Appendix 1).

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

The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 3 Affordable houses on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be 2 for affordable rent and 1 for 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. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

4.1.9 SC Learning and Skills Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast that capacity will be exceeded. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that additional place contributions are secured via S106 funding.

4.1.10 Cllr Phillips (Local Member – Bagley) Objects. Though there has been some moderate changes to the frontage of this application, the renewed application is hardly any different in terms of density. Therefore my objections on the grounds of density, plus other issues including pressure on services, infrastructure (including roads/traffic) and the environment still stand. The objections set out at the last full planning meeting which led to the rejection of this application have not been addressed.

4.2 Public Comments

4.2.1 The application has been advertised by site notice and in the local press. In addition 74 residential properties in the local area have been directly notified. 23 objections have been received on the following grounds:

- Greenfield site not allocated for development
- No justifiable reason for development of greenfield site; brownfield more appropriate
- Not a suitable transition between adjoining development types
- Only cosmetic changes have been made to the proposal that was refused
- Out of character with surrounding area; houses would be more appropriate
- Excessive density; Redrow site is much lower density
- Concerns over overlooking
- Would be overbearing to and dominate neighbouring properties
- Blocks should be lowered by at least one floor
- External balconies are inappropriate; should be removed or reduced to Juliette style to avoid overlooking
- Adverse effect on privacy to residents to north
- Block B would have a ground floor level 1.15 metres above ground floor of adjacent houses
- Ellesmere Road is nearing capacity
- Premature until North West Relief Road is built
- Not sustainable
- Adverse impact from additional traffic; already too much traffic including HGVs
- Negative impact on highway safety
- Impact on pedestrian safety including route taken to school

- Impact on parking in area
- 'ghost island' would keep town-bound traffic moving but close to a pedestrian crossing which will not
- Query contents of construction traffic management plan
- Ellesmere Road too narrow
- Monitoring of traffic speed is required
- No mention of disabled spaces or electric car charging points
- Additional pressure on already over-subscribed primary school
- Infrastructure (schools, medical facilities, roads, etc.) to support new development is not in place
- Flats will lower the tone of the new housing estates
- Impact on pond and great crested newts and other species; impact on habitat for badgers, reptiles, bats, and migratory birds
- Pond has changed in size significantly in last 40 years
- Noise and air pollution already reaching unacceptable levels
- Impact on flood risk following building of Redrow development
- Area is subject to regular flooding
- Supporting documents out of date
- Does not address the reasons for refusal
- Noise tests were not carried out at peak time and are therefore meaningless

5.0 THE MAIN ISSUES

- ☐ Planning history
- ☐ Policy & Principle of Development
- ☐ Sustainable development
 - o Design, layout and scale
 - o Landscape
 - o Residential amenity
 - o Highways and traffic safety
 - o Biodiversity and ecology
 - o Trees and woodland
 - o Flooding and drainage
 - o Historic environment
 - o Land contamination
 - o Developer contributions

6.0 OFFICER APPRAISAL

6.1 Planning history

- 6.1.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Core Strategy and Site Allocations and Management of Development (SAMDev) Plan. The application should be considered on its own merits and in relation to the adopted policies. Nevertheless the planning history of the site is a material consideration that needs to be taken into account in this process.

As set out above, the reasons for refusal of the previous scheme can be summarised

6.1.2 as follows:

- The location of the site within the countryside in an area not allocated for development in the Development Plan. It would be incompatible with the principles of sustainable development and would undermine the development strategy as set out in the Plan. The benefits of the proposal are insufficient to outweigh conflict with this strategy;
- Incongruous and intrusive to the detriment of the rural setting of the locality;
- Overdevelopment which would be out of keeping with the prevailing character of the surrounding area due to its design, scale, massing and layout.

The applicant has amended the proposal to seek to address the above issues, and the views of Officers on the extent to which this has been achieved are discussed below.

6.1.3

6.2 **Policy and Principle of Development**

6.2.1 Development Plan: Although a small part of the site lies within the development boundary of Shrewsbury, the majority of the site including that part which includes the residential blocks, lies outside of it. As stated above, for planning policy purposes the site must therefore be considered to fall within the 'countryside'. Policy CS1 of the Core Strategy sets out the strategic approach for guiding and managing new development over the lifetime of the Core Strategy. It states that Shrewsbury, as a sub-regional centre and Shropshire's growth point, will accommodate approximately 25% of Shropshire's residential development over the plan period. Other identified Key Centres will also accommodate growth, and in rural areas development is to be located predominantly within Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. Policy CS1 states that outside of these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.

6.2.2 Policy CS2 sets out the development strategy for Shrewsbury. It states that the primary focus for development in Shrewsbury is to make best use of previously developed land and buildings and bring forward land allocated for development. The development strategy for Shrewsbury is supplemented by policy S16 of the SAMDev Plan. This reiterates the focus for development to be within the town's development boundary.

6.2.3 The site lies predominantly within the countryside and Core Strategy policy CS5 seeks to strictly control new development in such areas in accordance with national planning policies. It states that 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, inter alia, the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Core Strategy policies are complemented by those of the adopted SAMDev Plan, which provides additional detail to the over-arching policies contained in the Core Strategy.

6.2.4 Policy MD7a of the SAMDev Plan is concerned with managing housing development in the countryside. It 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.

- 6.2.5 As noted in the Committee report to the previously refused application, it could be argued that the application site has a stronger relationship with the urban area of Shrewsbury than with the wider rural area, particularly now that the recently-approved developments to the north and west have been built. Residential areas to the west, south and east are all located within the defined settlement boundary. However, as noted by the Planning Policy team, this enclosure of countryside into the urban form of the town is not uncommon and many of these open areas form part of the urban green infrastructure. The wider benefits to the town of these pockets of open land are acknowledged. However the development of this land for residential purposes would not accord with the general settlement strategy as set out in the Development Plan.
- 6.2.6 It is acknowledged that planning permission was granted for the Redrow housing development that adjoins the site to the north and which is also outside of the development boundary. However it is important to note that this permission was granted at a time when the Council's housing land supply was constrained and, for Shropshire as a whole, fell just below five years. In the absence of a five year housing supply the Committee report for that application explained that a 'presumption in favour of sustainable development' and the need to boost the housing supply (a government priority) was the most significant material consideration when determining planning applications for housing and took precedence over adopted and emerging local planning policy in relation to the supply of housing due to those policies not being considered up to date.
- 6.2.7 At the current time the Council can demonstrate that it has more than five years supply of housing land. As noted by the Council's planning policy team, the supply of housing in Shrewsbury is in excess of 7500 dwellings and so exceeds the requirement for the town by 1000 dwellings. As such additional housing sites to contribute to a five year supply of housing are not required at the current time, and the primacy of Development Plan policies is restored.
- 6.2.8 Notwithstanding the above, policy MD3 of the SAMDev Plan does state that in addition to supporting the development of allocated sites, planning permission will also be granted for other sustainable housing development having regard to adopted policies, particularly CS2, CS3, CS4, CS5, MD1 and MD7a. It states that the settlement housing guideline is 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. In terms of the current application there is no evidence that the guideline of 6500 dwellings for Shrewsbury will not be delivered during the Plan period.
- 6.1.9 The Committee report relating to 16/03225/OUT recognised that the principle of residential development of the site would be contrary to the Development Plan.

However it also noted that 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. This situation continues to apply to the current proposal and these material factors are considered further below.

6.2 **The presumption in favour of sustainable development**

6.2.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. This advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6). Para. 14 establishes a presumption in favour of sustainable development and 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 development plan policies. 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 The NPPF policies above regarding sustainable development are an important material consideration. The NPPF details the 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 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.

6.2.3 **Economic Role:** The NPPF states that significant weight should be placed on the need to support economic growth through the planning system. The delivery of housing is a 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 Officers acknowledged that such benefits would also accrue in respect of development situated within the development boundary and are not, in themselves, considered to carry substantial weight. It is anticipated that something above and beyond the minimum required or expected under policy and guidance would be necessary to tip the balance in favour of such development. The proposal would be liable for CIL which would provide financial contributions to infrastructure within the area. The applicant has also agreed in principle to contribute £24,000 towards a new pedestrian crossing along Ellesmere Road. Based upon the advice of the Council's highways team it is considered that this crossing is necessary to make the development acceptable in highway terms. It is considered that this level of

contribution is proportionate to the scale of the development being proposed and is entirely in line with advice received from the Council's highways team.

6.2.5 **Social role:** Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities. In social terms the proposed development would provide 36 dwellings. Under the Council's policy a development of this size and in this area is required to include 10% affordable dwellings. This would amount to 3.6 dwellings i.e. 3 dwellings on site with a financial contribution to cover the remaining 0.6 of a dwelling. For the current proposal the applicant has agreed to over-provide on the amount of affordable housing, and would be willing to provide five on-site affordable dwellings. This represents an additional benefit over and above policy requirements and carries weight in the planning balance.

6.2.6 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 would provide 9 off-street car parking spaces for use by existing residents of the dwellings to the south on Ellesmere Road. Policy CS6 also requires that new development is designed to be adaptable, safe and accessible to all; 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.

6.2.7 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 and economic benefits which should be attributed some weight in the planning balance.

6.2.8 **Environmental Role:**

(i) Design, Layout and Scale

Core Strategy 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. It 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. It requires the achievement of local standards for the provision and quality of open space. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2

requires that development proposals contribute to and respect locally distinctive or valued character and existing amenity value.

6.2.9 Whilst the application has been submitted in outline, matters of layout, scale and appearance have been provided at this stage. In relation to the previous application, the Council's Conservation and Design Officer did offer broad support from a design and historic environment perspective for the principle of development on the site. However concerns were expressed about the depth and bulk of the built form, concluding that 'the scale of this development is still significant in the context of the surrounding urban grain'. Similarly, in relation to that previous proposal, Members raised a number of concerns regarding the design, scale, massing and layout of the scheme. These concerns were reflected in the third reason for refusal as set out in Section 1 above

6.2.10 The submitted Design and Access Statement for the current application has described the objectives for the revised scheme. These include: to develop a place of distinctive character; to innovatively handle the changes in site levels; to enhance the contribution of the pond to the site; to reduce the visual impact of cars on the site. In responding to the concerns raised by Members regarding the previous proposal a number of alterations to the scheme have been made.

6.2.11 The proposal would provide 6no. one bed apartments, 25no. two bed apartments of differing sizes, and 5no. three bed apartments. As such it would provide a mix of dwellings to cater for a variety of households. The number of dwellings has been reduced from 38 to 36. The proposal would retain the existing pond on the site, and land which is not proposed for apartments or internal roadways would provide amenity space with an area (not including the pond) of approximately 2400m². This would exceed the target set out in SAMDev Plan policy MD2 of 30m² per person and which would suggest an open space provision of some 2130m². The design retains the under-croft parking arrangement that was also proposed as part of the previous scheme.

6.2.12 Elevations are made up of a number of house scale components. Adjoining internal service cores have been set back to enhance the building shape and reduce the massing of the apartment blocks. Building vernaculars along Ellesmere Road include examples of double gables and this style is replicated in the current application. Large dormers and chimneys would provide distinctive features to the roofscape. These would provide an element of a domestic frontage to the scheme, and are consistent with other properties in the locality.

6.2.13 The Council's Conservation and Design Officer has acknowledged that the revised proposals provide more variety in the roof plan. In addition the officer considers that it offers an approach to design which better references elements of the local vernacular style in terms of its character, including the flat-topped double height bays and projecting gables.

6.2.14 It is acknowledged that the floor area and size of the apartment blocks is similar to that of the refused scheme. Nevertheless it is considered that the current proposal introduces features which reduce the apparent massing of the development and

which are more in keeping with other properties in the area. Street elevation drawings have been provided and these illustrate that the height of the two blocks fronting Ellesmere Road would be generally in line with that of the Victorian terrace to the south.

6.2.15 The previous scheme proposed the removal of the roadside hedgerow. The current scheme has been re-designed to allow for this to be retained. Other than as required for the formation of the access into the site the hedgerow will be preserved. It is considered that this would maintain some of the character of the area and provide a soft edge to the development thereby improving its appearance. Detailed specifications of the proposed finishes and materials to be used have not been submitted at this stage. Further discussion is required on this element of the scheme however Officers consider that it would be appropriate for this to be dealt with as part of a planning condition. It is considered that the revised submission, as a whole, represents an improved scheme which can be recommended to Members. It is noted that, having considered the revised proposal, the majority of members of the Town Council feel that it constitutes an improvement and that the Council as a whole supports it.

6.2.16 **(ii) Landscape**

Supplementing policy CS6, policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity. 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 Included in the evidence base for the SAMDev Plan is the Shrewsbury and Atcham Landscape Sensitivity and Capacity Study 2007. In the report the application site is listed as being in the southern part of a much larger area designated 'Shrewsbury Zone 17'. 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. The capacity of Zone17 to accommodate residential development is Medium, which 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.

6.2.18 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.

- 6.2.19 The proposed development would 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 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.
- 6.2.20 In addition, the landscaping proposals for mitigating the effects of the development on this greenfield site remain a reserved matter for future consideration. However, it is 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.
- 6.2.21 **(iii) Impact on residential amenity**
Core Strategy policy CS6 requires that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. The siting of the proposed apartments in relation to surrounding houses is generally in line with that which was negotiated as part of the previous scheme. 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. The westernmost one of these (plot 68) is a two storey detached dwelling house. 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 there are no windows above ground floor level. There is an opening at ground floor level on the southern elevation however visibility of the proposed development would be restricted by a close board fence along the intervening boundary. 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.
- 6.2.22 The dwelling is set at a lower ground level than Block A which will be a full three storeys in height (at the rear) with additional living accommodation within the roof and a set of external balconies at first and second floor levels. The degree of separation between the dwelling and the proposed Block A is from the house to Plot 68 is approximately 23.5 metres and approximately 12 metres from the corner of the private curtilage. There would be no balconies on the nearest part of the rear elevation of Block A, and it is considered that the windows to the side wall should be obscure glazed to reduce overlooking.
- 6.2.23 Block A would also potentially affect the easternmost dwelling on the southern side of the Redrow development (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 5 metres or so away from Block A. There are a number 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. In relation to the previous

scheme the applicant agreed that these would be obscure glazed to prevent overlooking of that dwelling house, and it is considered that this would be appropriate for the current scheme. In addition and as above, there would be no balconies at the northern part of the rear elevation of Block A to help avoid direct overlooking of the rear garden area.

- 6.2.24 In relation to the southern side of the site the house at the northern end of the existing terrace has windows in its ground and first floor elevations facing the application site. It is considered that it would be appropriate therefore for the windows on the southern elevation of Block C to be obscure glazed to maintain privacy and amenity.
- 6.2.25 In relation to proposed Block B at the north-western side of the site this would be approximately 20 metres away from the nearest dwellings on the Redrow homes site. There would be no external balconies facing the Redrow development. The two dwellings most affected within the Redrow scheme have end elevations facing the application site with no windows serving habitable rooms affected. The indicative plans show that tree planting can be accommodated in the intervening ground, and this can be agreed through the landscaping which is a reserved matter. As such it is considered that the separation distance is adequate. 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.
- 6.2.26 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 that mitigation is provided through the provision of a minimum specification of glazing, and that the trickle vents achieve an equivalent noise attenuation. These requirements can be secured by way of a planning condition.
- 6.2.27 Subject to measures discussed above including obscure glazing, landscaping and noise attenuation it is considered that the proposals can be designed to provide satisfactory protection to residential amenity in line with policies CS6 and MD2.
- 6.2.28 **(iv) Highways and traffic safety**
Core Strategy policy CS6 requires that development is designed to be safe and accessible to all. Para. 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 6.2.29 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 Road/Chester Street and Castle Foregate to the south. A considerable number of objections have been received from within the local community on this issue.
- 6.2.30 In broad terms the highways implications of the proposal are similar to those raised by the previous scheme. The site would be served by a new vehicular access off

Ellesmere Road. The existing parking bays on the road outside the terraced houses to the south would be removed and relocated to within the development site. This would facilitate the provision of a new pedestrian crossing, for which the applicant is willing to provide a financial contribution. This can be secured through the provision of a Section 106 agreement.

- 6.2.31 Traffic and access issues were not included in the reasons for refusal and it is considered that these matters were deemed to be acceptable. In principle it is considered that an acceptable site access and internal road layout can be provided to meet Council standards. The Council's highways consultant has confirmed that the number of car parking spaces proposed is acceptable. However the level of detail submitted with the current application falls short of that submitted as part of the previous scheme. The Council's highways consultant has raised concerns over this and has set out the additional information that is required in order that an informed view can be made. Further information has now been submitted. This includes swept path drawings and additional details of the site access design. Members will be updated on any further comments from the Council's highways team in advance of the Committee meeting.
- 6.2.32 **(v) Impact on Biodiversity and Ecology**
Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. The NPPF places high importance on protection of biodiversity interests and 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.
- 6.2.33 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). A number of specific reports and surveys have been provided by the applicant and these have been assessed by the Council's Ecologist.
- 6.2.34 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:
- ☐ 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.
- 6.2.35 Natural England has concluded that the favourable conservation status of great crested newts can be maintained, and that a licence is likely to be granted. Nevertheless the local planning authority is required to consider three tests prior to determining the planning application. The completed European Protected Species 3

tests matrix is included as Appendix 1 to this report.

6.2.36 The Council's Ecologist has recommended a series of planning conditions related to biodiversity interests. These include the requirement to submit for approval a Construction Environmental Management Plan, a landscaping plan, and a habitat management plan. Subject to these being included on a grant of planning permission there is no objection to the proposals on ecological grounds.

6.2.37 **(v) Trees and Woodland**

The existing hedgerow along the eastern side of the site would be retained other than as required to form the site access. It is considered that the retention of this feature is to be welcomed as maintaining an existing visual screen and ecological connectivity. This weighs positively in the overall planning balance. Further amenity improvements can be secured as part of a landscaping scheme and a habitat enhancement scheme.

6.2.38 **(vi) Flooding and drainage**

Core Strategy policy CS18 advises that development should integrate measures of sustainable water management to reduce flood risk, and avoid an adverse impact on water quality and quantity.

6.2.39 The application is accompanied by a Flood Risk Assessment. The site falls within Flood Zone 1, which is the least susceptible to flooding. The proposed development would have a finished floor level of 54.00m above ordnance datum, which is 600mm above the level of the extreme flood. Surface water runoff would be to soakaways and the existing pond, and foul drainage would be connected to the existing sewer. Details of the proposed surface and foul water drainage system can be dealt with by a planning condition, as recommended by the Council's Flood and Water Management consultants.

6.2.40 **(vii) Historic environment**

The site does not lie within a conservation area or an area of archaeological significance. It does not contain any listed buildings and would not result in any adverse impact on the setting of a heritage asset. There is no objection to the proposal on heritage grounds.

6.2.41 **(viii) Land contamination**

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. The NPPF emphasises the need to minimise pollution risk and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any remediation proposals.

6.2.42 The Public Protection Officer has considered the contents of the Ground Investigation Report submitted with the application and has concluded that, based upon the results and methodology, further assessment is required. This can be required through the submission of a site investigation scheme and a condition can be imposed on the decision notice to require this.

6.2.43 (ix) Developer contributions

Policies CS9 and CS11 of the Core Strategy seek to secure the 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 (equivalent to 3.6 dwellings) by providing five affordable dwellings on site. This can be delivered through a Section 106 agreement.

6.2.44 As noted above the applicant is also willing to provide a contribution of £24,000 for a new pedestrian crossing near the school on Ellesmere Road. It is considered that this would offset some of the impacts of the proposed development from additional traffic and footfall in the area, and is necessary to make the development acceptable and in line with CS9 and CS11.

6.2.45 In relation to the previous scheme proposed for this site there was discussion regarding additional contributions appropriate towards the North West Relief Road. The Council's planning policy team have confirmed that, in the case of modest sites such as the current proposal, such a contribution would not be essential. Officers do not consider that it is necessary to seek such a contribution for this proposal.

7.0 CONCLUSION

7.1 The application seeks to address the reasons for refusal of a previous application for residential development on this site off Ellesmere Road. As with the refused application, the currently proposed development lies outside of the development boundary of Shrewsbury and on land which is not allocated for residential or other development. Whilst the site is surrounding on all sides by residential development it nevertheless falls within an area designated as countryside for planning policy purposes. The housing development strategy for Shrewsbury as set out in the Development Plan seeks to direct new dwellings to allocated land and also sites within the development boundary. The Plan, under Core Strategy policy CS5, seeks to strictly control new development in the countryside, including open market residential development.

7.2 The emerging review of the Local Plan will provide an opportunity to bring the land which is the subject of this application forward for development. In addition the proportion of housing development that Shrewsbury is expected to provide is likely to increase from 25% to 30% in the Local Plan review. Nevertheless at the current time the site remains a part of the countryside and forms part of the environmental network of Shrewsbury.

7.3 Notwithstanding the above, policy MD3 of the SAMDev Plan does state that in addition to supporting the development of allocated sites, planning permission will also be granted for other sustainable housing development having regard to adopted policies, particularly CS2, CS3, CS4, CS5, MD1 and MD7a. In assessing the acceptability of the current proposals therefore, it is necessary to look into whether the overall benefits of the proposal would tip the balance in favour of granting planning permission. The Council's planning policy team consider that the proposal might permit improvements to the natural environment by partially retaining and improving the countryside character, conserving the biodiversity of the site and its contribution

to the environmental network. The policy team suggest that these effects in turn may contribute to the health and well-being of the local community by enhancing the urban 'green' infrastructure in Greenfields.

- 7.4 In the assessment in the sections above Officers consider that the current proposal provides a number of improvements over and above the previous refused scheme. This includes enhancements to design and appearance which, whilst limited, would result in a more sympathetic development. The assessment indicates that the proposal would bring about improvements to the ecological value of the area through improved habitat. In terms of highway matters, whilst it is acknowledged that the proposal would result in additional traffic to the area, it would provide improvements to the local highway through contributions towards a pedestrian crossing point and new off-street parking spaces for existing residents. It would offer an over-provision of affordable housing and provide a mix of housing sizes to cater for different household types. The proposal would also assist in meeting the Government's ambition to boost significantly the supply of housing.
- 7.5 The development of the site for housing would conflict with a number of policies of the Development Plan and this should be given significant weight in the decision making process. Nevertheless Officers consider that the site lies within a highly sustainable location. It is bordered on all sides by residential development, much of which has been developed recently. In addition the limited impact that may arise to local landscape character can be satisfactorily ameliorated through a comprehensive landscaping scheme which would be agreed as part of the reserved matters. It is not considered that the proposal would result in significant harm to the local area and it would provide a number of benefits. Officers are of the view that these benefits are sufficient to outweigh the conflict with planning policies in this instance. As such, subject to the imposition of conditions as set out in Appendix 2 and to the completion of a Section 106 agreement to provide financial contributions towards highway improvements, and affordable housing, it is recommended that planning permission is granted.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

APPENDIX 1 - EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

17/05772/OUT

Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury Shropshire

Outline application for the erection of 36No dwellings and associated infrastructure (to include access, appearance, layout and scale)(re-submission)

Date:

3rd April 2018

Officer:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Kelvin Hall
Technical Specialist Planning Officer
Kelvin.hall@shropshire.gov.uk

Test 1:

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

The development will not cause harm to interests of public health and safety, subject to the recommended suite of planning conditions and completion of a Section 106 obligation. It will also deliver a range of economic and social benefits, all as explained in detail in this report.

Test 2:

Is there '**no satisfactory alternative**'?

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 NPPF. However, the NPPF 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 relic 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 this Test has been satisfied.

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.

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 this Test has been satisfied.

Test 3:

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

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

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

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.

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:

- All optimal GCN terrestrial habitat will be retained, protected and enhanced as part of the proposal (0.148ha of dense ruderal and grass habitat around the edges of the pond) and 0.042ha 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 0.8ha site will therefore result in the permanent loss of 0.23ha sub-optimal great crested newt habitat and 0.078ha 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 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 at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Sophie Milburn to Kelvin Hall (dated 15th January 2018) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence;
- Lighting plan;
- Construction Environmental Management Plan
- Habitat Management Plan; and
- Landscaping plan.

10. 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:

16/03225/OUT Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure REFUSE 28th June 2017

16/03539/TCA To fell 1No fully mature tree T1 and 1No Lime Tree T2; removal of remaining hedge line H1 and removal of section of hedge H2 NPW 9th August 2016

Appeal

18/02633/REF Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure INPROG

11. Additional Information**View details online:**

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

Cllr R. Macey

Local Member

Cllr Alex Phillips

Appendices

APPENDIX 1 – European Protected Species: The ‘three tests’
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APPENDIX 2 – Conditions

APPENDIX 2 - Conditions**STANDARD CONDITION(S)**

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

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

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

3. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. The submitted details shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

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

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

- L200 Proposed Site Plan, received 9th March 2018
- L201 Block A Plans, received 9th March 2018
- L202 Block B Plans, received 9th March 2018
- L203 Block C Plans, received 9th March 2018
- L204 Block A Elevations as Proposed, received 9th March 2018
- L205 Block B Elevations as Proposed, received 9th March 2018
- L206 Block C Elevations as Proposed, received 9th March 2018
- L210 Proposed Ecology Site Plan, received 13th March 2018
- L024 Key Street Elevation and Section through Block B, received 14th January 2018
- 02432-01 A Indicative Access Design, received 9th March 2018
- 02432-02 A Swept Path Analysis, received 9th March 2018
- 7122-3 Streetscene, received 30th November 2017
- 7122-4 Inner Streetscene (x2), received 30th November 2017

- 7122-6 Inner Site Streetscene, received 30th November 2017
- 7122-7 Rear View Streetscene, received 30th November 2017
- L000 Location Plan as proposed, received 30th November 2017

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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. The development shall thereafter 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. 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, canopies, brickwork type and bond have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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. 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. The approved details shall be constructed prior to the development being occupied.

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

8. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;

- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

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

9. No development shall take place until a habitat management plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall include:

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

10. No development shall take place until details of the makes, models and locations of bird and bat boxes have been submitted to and approved in writing by the local planning authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 8 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for house martins (house martin nesting cups).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

11. No development shall commence until a lighting plan has been submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat

and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

12. No development shall take place until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

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

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

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

14. 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.

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

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

16. 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.

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

17. Unless as otherwise approved by the reserved matters 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.

18. 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.

19. Glazing in the façade facing Ellesmere Road shall be a minimum standard of 6-12-6 and shall have acoustically attenuated trickle vents that achieve equal noise attenuation to the glazing.

Reason: to achieve a suitable internal environment conducive to good health and wellbeing for future residents.

20. Prior to the use of the car parking spaces 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.

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

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

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

22. 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. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Great Crested Newt Mitigation and Management (Turnstone Ecology, November 2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for great crested newts, a European Protected Species.

Informatives

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

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in

before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. Drainage advice:

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 catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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

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

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

3. Highway gully spacing calculations should be provided.

Should gullies be the only means of removing surface water from the highway, spacing calculations will be based on a storm intensity of 50mm/hr with flow widths of:

- o 0.5m on all carriageways with footways, or;
- o 0.75m on all carriageways adjacent to a flush soft verge, or;
- o 1.0m on carriageways which have a hard-shoulder.

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

Close spacing of gullies on a development will increase maintenance liability for both emptying and of the road surface around the ironwork. Amending the vertical profile or installing kerb drains should be considered where spacing's are less than 20m. Alternatively, to reflect the increased liabilities, a commuted sum would be applied to any gully within the minimum 20m spacing.

In addition Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" requires that exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site, or contribute to surface water flooding of any area outside of the development site.

Therefore the proposed management of exceedance flows generated by this return period must also be considered and catered for.

This must be demonstrated by the provision of a contoured plan of the finished road levels showing the proposed management of any exceedance flow. (The discharge of any such flows across the adjacent land would not be permitted)

Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.

Reason: By calculating highway gully spacing's in this way it will ensure a highway surface water drainage system for a site which is fully compliant with regulations and is of a sufficiently robust design.

5. Contaminated land:

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

6. Nesting birds informative:

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

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

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

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

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

General site informative for wildlife protection:

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.

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



Committee and date

Central Planning Committee

12 April 2018

Item

6

Public

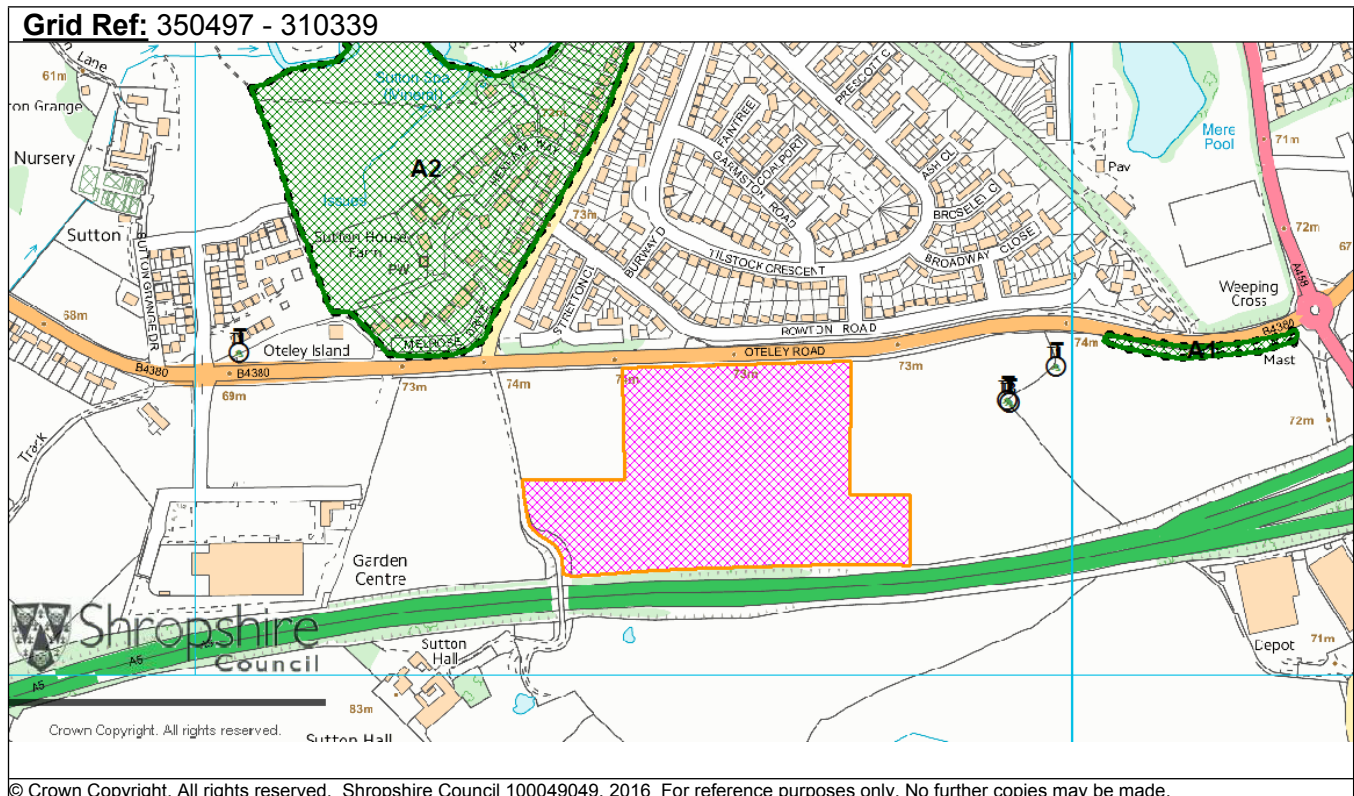
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/06149/REM	Parish:	Shrewsbury Town Council
Proposal: Submission of reserved matters (appearance, landscaping, layout and scale) pursuant to the Outline Planning Permission 14/04428/OUT for the erection of 164 dwellings		
Site Address: Development Land To The South Of Oteley Road Shrewsbury Shropshire		
Applicant: Bellway Homes Ltd (West Midlands)		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 On the 23rd June 2015, following the completion of the Section 106 Agreement, outline planning permission was granted for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A5, D1 and D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play area. (Ref. 14/04428/OUT). The Section 106 Agreement relates to financial contributions, works and reserving land towards infrastructure-transport-community facilities associated with the whole of the Shrewsbury South Sustainable Urban Extension (SUE), securing the provision of affordable housing and Shrewsbury Town Council (or other appropriate arrangements) control and maintenance of the public open space areas within the development. The outline permission is wholly in line with Core Strategy policy CS1 and policy CS2 (Shrewsbury – Development Strategy) which established there would be a Shrewsbury South Sustainable Urban extension. The form in which development should take place within the SUE is set out in the adopted Shrewsbury South Sustainable Urban Extension Master Plan, dated October 2012. The outline planning permission gives a period of 10 years for the submission of reserved matters, but requires reserved matters for the first development zone to be submitted within a period of three years from the date of the outline permission. (The site is split into 'Development Zones', as there was unlikely to be a single developer for a site of this magnitude and development mix).
- 1.2 The current reserved matters submission relates to 'Development Zone Y', which is the middle component of the eastern development area situated between the garden centre and the Miller Homes housing development currently underway (ref. 16/02618/FUL). A number of revisions have been made to the scheme since it was submitted, in response to comments made by the Case Officer and Highways Development Control.
- 1.3 The proposal would utilise an existing access off Oteley Road which has planning permission (ref.15/00797/FUL) and has already been constructed. An attenuation pond area immediately to the east of this access and adjacent to Oteley Road (ref.16/01062/REM) would be wrapped round by the development. The existing footpath between the access to the site and the toucan crossing would be extended eastwards along the northern edge of the development. The road side hedge and trees would be retained, except for two short sections of hedge that would be removed as part of works to create two private drive accesses onto Oteley Road. These accesses would connect to two separate private drives aligned along the back edge of the hedgerow. The western drive would serve five detached dwellings and the eastern drive would serve three dwellings. There would be three different house designs in this group, with four featuring chimneys, one dwelling would have

a detached garage and the remainder integral garages. Bin collection points would be provided at the drive accesses.

- 1.4 A pedestrian footpath would be provided into the development a short distance from the toucan crossing and along the eastern side of the attenuation pond open space area. This would connect to the end of a cul-de-sac which borders the southern side of the attenuation pond area. There would be area of public open space to the south and east of the cul-de-sac turning head, which would include a formal play area. This open space would be bordered by two detached dwellings and four linked detached/semi-detached dwellings to the north. To the east of this open space there would be a short cul-de-sac, on the eastern side of which would be a terraces of four and three dwellings, which would form part of the affordable housing, a semi-detached pair of dwellings and a detached dwelling.
- 1.5 The southern side of the cul-de-sac along the southern side of the attenuation pond open space area would have a built frontage formed of nine detached dwellings of three different designs and each with a detached garage. Four of these dwellings would feature chimneys. On the western side of the main 6.75m wide highway carriageway access into the development off Oteley Road there would be eight dwellings, split into two groups of four and five by a road that would connect to Development Zone 'X' to the west. The northern group would be two detached dwellings of different designs (Both with chimneys) and a pair of semi-detached dwellings which would also feature a single chimney. The southern group would comprise of three detached dwellings of two designs (Two with chimneys) and a pair of semi-detached dwellings.
- 1.6 Three properties in the latter group would have frontages onto an east-west tree lined boulevard/spine road through the entirety of the application site, which is a key component required by the adopted Master Plan for the Shrewsbury South SUE. This road, when connected to other sections to be delivered through development in the Development Zones, would provide the primary access to the residential uses and would be of a standard suitable for a bus service to pass through the development. The 6.75m wide carriageway would have separate 3m wide footways on either side, separated from the highway carriageway by 3m wide strips which would form an avenue of trees.
- 1.7 The development along the northern side of the boulevard/spine road, eastwards to the area of public open space referred to at 1.4 above, would comprise of one detached dwelling (On the corner and featuring a chimney), and five pairs of semi-detached dwellings, two pairs of which would be 2.5 storey properties. They would have short front garden areas, with drives to their sides serving detached garages in their rear garden areas. The eastern end of this row would comprise of two detached dwellings (One with chimney) served by a private drive, and orientated to face eastwards overlooking the area of public open space.
- 1.8 The southern side of the boulevard/spine road would contain a similar mix of properties and layout to that on the northern side, giving a consistency to this

townscape feature. There would be seven detached dwellings of three different designs, and seven pairs of semi-detached dwellings with three of those pairs being of 2.5 storey form. All would have separate garage buildings in their rear garden areas. Three roads would extend into the southern portion of the site from the east-west boulevard.

- 1.9 The western, 'L' shaped cul-de-sac would have a mix of two detached, four pairs of semi-detached (One pair 2.5 storey) and a terrace of three dwellings fronting directly onto that road. A chimney would be a feature of one corner plot. A parking court at the western end of the cul-de-sac would be situated between a terrace of four dwellings, a terrace of three and a detached property that would form part of the affordable housing. A private drive off the southern end of the turning head would serve a detached dwelling and a terrace of three dwellings. Both these areas would be provided with bin collection points. An area of public open space, which would be accessed via a gate at the turning head, would wrap around the western and southern sides of the housing in this area, and continue unbroken along the southern edge of the application site. This open space would be enclosed by railings to separate it from roads and private drives. Another private drive served by this cul-de-sac would serve five detached dwellings of four different designs that would face the southern band of open space.
- 1.10 The central cul-de-sac heading into the southern part of the development would adopt a 'U' shaped form. The dwellings would be sited with varying set-backs from the road along the first section and comprise of a mix of five detached dwellings (Three different designs), a semi-detached pair and a terrace of three dwellings. Two short private drives off the western side would serve two pairs of semi-detached dwellings in an area enclosed by the rear gardens of other properties, and two detached dwellings (One with chimney) facing the southern band of public open space. The section of this cul-de-sac which runs parallel with the open space would be fronted by five detached dwellings of two different designs and would have a mix of integral and detached garages. There would be two gated accesses into the public open space off this road section. The westernmost dwelling in this group would feature a chimney. A private drive off the eastern end of this road section would serve two detached dwellings facing the southern band of open space. Where the cul-de-sac returns northwards to form as turning head, there would be a group of five detached dwellings of two styles and each with detached garages, position around a short terrace of three dwellings whose parking would be between the highway carriageway and their front elevations.
- 1.11 The eastern cul-de-sac heading into the southern part of the development would have a 'T' shaped form. Dwellings on either side of the 'north-south' element would be a mix of three detached (All different designs), five pairs of semi-detached dwellings combining three different house types and a terrace of four dwellings combining three different house types. There would be a gated access into the southern band of open space at the southern end of this road section, and a private drive running parallel to that open space would serve a pair of semi-detached dwellings and provide access to parking and garage for a dwelling directly fronting the road. The eastern leg of the 'T' shaped road form would serve

an 'L' shaped parking court with bin collection point. The dwellings positioned to the north and east of the parking court would comprise of two terraces each of three dwellings and a pair of semi-detached dwellings: These properties would form another group of affordable housing.

- 1.12 There would be a total of 14 different house types within the development, comprising of 4 one bed roomed; 27 two bed roomed; 82 three bed roomed and 51 four bed roomed properties. Within this total of 164 dwellings there would be 18 dwellings for affordable rent (4 one bed roomed; 10 two bed roomed and 4 three bed roomed properties) and 7 for shared ownership (4 two bed roomed and 3 three bed roomed properties), achieving the 15% affordable housing required by the Section 106 Agreement forming part of planning permission 14/04428/OUT. The house designs would include a variety of design details including short projecting front gables; single storey monopitch elements; flat and dual pitched roof dormer windows, flat and arched window head details with some featuring a key stone; stone sills; monopitch porches; flat, mono and dual pitch canopy porches; brick corbelling to eaves and gable ends; projecting rafter feet details; render and part render to some elevations; brick quoins; single and two storey bay windows; blind windows; gable end motifs and finials. There would be four main facing bricks combined with two types of contrasting detail bricks and plinth bricks. Two types of grey and brown roofing tiles would be used, which would have the visual characteristics of natural slate in an interlocking form. Render would be a mix of chalk and cream colours. All windows would be white PVCu. There would be chimneys on properties at key focal points within the development.
- 1.13 Each open market dwelling would have two parking spaces plus a garage, and each affordable dwelling would have two parking spaces, with the exception of the one bed roomed dwellings which would each have a single parking space.
- 1.14 The proposed landscaping would include tree planting to the areas of public open space, front garden areas and the main boulevard/spine road. There would also be specimen shrubs and sections of new hedgerow. The trees species would include birch; magnolia; whitebeam; hornbeam; lime; field maple; silver birch; scots pine; wild cherry; mountain ash and pear.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development site extends to some 4.49 hectares and is within the Shrewsbury South SUE. It comprises of a central section of a long strip of fields on the southern-edge of Shrewsbury, within the town's development boundary. The site generally consists of a large arable field with associated grassland margins and boundary hedgerows with a small number of trees on or adjacent to site boundaries.
- 2.2 The site is bounded to the north by Oteley Road. To the south the site is bounded by the A5 trunk road. The land either side to the west and east is currently agricultural land which also has outline planning permission for residential development under

reference 14/04428/OUT. The site lies approximately 2.5 kilometres from Shrewsbury Town Centre.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Town Council has expressed concerns about aspects of the proposed site layout and the affordable housing provision. Their objection remains at the time this report was finalised despite the revisions. The Area Planning Manager, in consultation with the Chair and Vice Chair of the Central Planning Committee, consider that this significant reserved matters application should be determined by Committee.

4.0 Community Representations

- Consultee Comments

(Where consultees have made more than one set of comments, the latest comment is listed first to show whether earlier concerns have been addressed).

- 4.1 Shrewsbury Town Council consulted on amended drawings 13.03.18. Response requested by 27.03.18

- 4.1.1 Shrewsbury Town Council (21.02.18) – Not opposed to the principle of this development, but object to this application for the following reasons:

- Members consider the provision of Public Open Space (POS) to be insufficient and question whether the SUD's scheme should be included in the POS calculations.

- There is a lack of green space throughout the development and those areas that have been identified are unsuitable for children's play i.e. the park is located next to a through road and much of the green space is on the periphery of the site near a main road or part of the SUD.

- Members question if the provision of parking in relation to the number of properties is sufficient.

- There is a lack of affordable, social housing included in the scheme.

- The road layout includes a main through road which is identified to be extended in the future. Members have concerns that this straight road will be used as a 'rat run' by speeding vehicles making it especially dangerous to children using the play area that it passes.

- 4.2 SC Highways Development Control – Verbal No Objection to revised drawings at time of writing report.

- 4.2.1 SC Highways Development Control (22.02.18) – Comment: The general principle of development is considered acceptable, but a number of items require further

consideration and/or amendment before the highway authority can approve this reserved matters application:

- The proposed boulevard of trees, verges and other landscaped areas, should include appropriate SUDS features, if practical, to sustainably manage surface water drainage, as well as potentially irrigate the trees and landscaping. Together with appropriate proposals for the future maintenance of such features should also be provided.

- SUDS features could also be considered where the proposed estate roads abut areas of open space, thereby reducing the use of standard gulley and pipe systems.

- The proposed car parking arrangements for the plots adjacent to the main site access (Plots 161 – 164) are not considered suitable due to the potential for reversing vehicle conflicts with traffic accessing the site from Oteley Road. There is also the potential for on-street parking, associated with these residents, which could negatively affect the proper function of the main access to the site.

- The single car parking spaces for plots 140 & 141 will likely result in on-street parking within the turning head. This could restrict refuse vehicle turning movements and potential obstruct access to the adjacent private parking area for plots 142-148. Consideration could be given to reducing the length of road/turning head to extend the private parking area/driveway to incorporate more appropriate facilities for plots 140 & 141. This would have the added benefit of improving the pedestrian route and access to the adjacent POS. It is also considered that the footway at this location should also be extended from this pedestrian access gate southwards along the turning head serving the private road to plots 136 – 139.

- The proposed private driveway to Plot 11 is considered inappropriate, in that it may be difficult to reverse manoeuvre around, which could lead to over-running and/or parking on the POS. Consideration could be given to extending the turning head to facilitate a parking arrangement similar to the adjacent plots. In addition a more direct pedestrian link between the estate roads, across the frontages of plots 11 & 12, could be considered.

- The proposed pedestrian route running north/south from Oteley Road through the site should be more direct, linking to other roads, routes and crossing facilities, to encourage use and provide ease of movement for the mobility and sight impaired. This will also aid future maintenance and may be cheaper to construct if these are aligned adjacent to the boundaries of the private drives and/or POS.

- Consideration could also be given to improving pedestrian connectivity along the southern boundary of the site by linking the private drives.

It should be noted, that the proposed use of block-paving within the adoptable highway is no longer included within the Council's emerging specification. Therefore, if it is the developer's intension to have the estate roads adopted, as highway maintainable at public expense, this detail will require amendment. Ideally a suitably coloured (HAPAS

approved) bituminous grouted asphalt or a resin based surface treatment should be considered.

Although for the most part, such construction details and material specifications can be addressed and agreed, as part of the technical approval process for the S.38 (road adoption) agreement (HA1980). There is the potential that the approved coloured surfacing might have an impact on the overall visual amenity of the development, which may warrant further consideration from the Planning Authority.

Ideally all such details should be approved by the highway authority prior to any subsequent application being made to discharge any associated conditions.

Furthermore, it is noted that the Oteley Road frontage development proposals will not be particularly visible to passing drivers, due to the proposed retention of much of the established site boundary trees/ hedgerow. Potentially this will diminish the impact of the development, in terms of providing highway side friction (MfS) and activity, which contributes to the positive self-enforcement of the required reduced speed limit on Oteley Road

In the circumstances, it is considered that given the above and to further strengthen sustainable movement opportunities of the development. The proposed foot/cycleway facility should be extended across the whole site frontage, to the east and western extremities, along Oteley Road. This will enable improved connectivity between the adjacent developments with the whole SUE, as well as provide some needed visual activity along the existing highway, as envisioned by the SUE Masterplan and the SAMDev Policy.

Informatives recommended with respect to waste collection; landscaping in relation to the highway and section 38 and 278 Highway Agreements.

4.3 SC Drainage – Comment

Information given on matters to be addressed in discharging the drainage condition on planning permission 14/04428/OUT.

(Officer Comment – All drainage matters are addressed through the planning conditions on outline permission 14/04428/OUT and are not matters for consideration in assessing these reserved matters).

4.4 SC Regulatory Services – No Objection:

Having considered the noise assessment supplied by Acoustic Air dated November 2017 I am satisfied that the noise mitigation proposals are suitable. I would recommend that the mitigation measures proposed in Appendix 4 of the report mentioned above are conditioned in order that they are carried out in full. Drawing SHRW-FEN-01 specifies locations of the fencing proposed. I would advise this is also conditioned to ensure that the mitigation is placed where it has been

recommended to have the impact required as stated in the noise assessment.

4.5 SC Ecology – No comments to make.

4.6 SC Trees – No Objection:

Overall I support the application in particular:

- ☐ Retention of key trees and hedges
- ☐ The new landscape buffer to the A5
- ☐ The retention of clear edges to protect the tree lined Oteley Road.
- ☐ The main route with 3m verges to create a boulevard of trees

On this last point I would like to raise the following issues:

Consideration needs to be given to the long term growth of the avenue trees with the of tree pits which provide enough rootable volume of soil to sustain the trees at maturity and possible use of linear pavement protection to reduce surface rooting onto adjacent cycle path.

A site specific arboricultural method statement for the avenue planting should be requested. (An annotated Tree pit detail for the highway grass verge showing this information has been supplied subsequently).

With regard to the species choice of fastigate Hornbeam is suitable type of tree however canopy cover at the site should be set in the context of the surrounding area, in terms of ecological value and connectivity, place in the landscape and public amenity value of, the trees. My own view is that given the few trees in this area are historically Oak the use of *Quercus robur* Fastigate “Koster” may be a better choice for a fastigate avenue connecting the sites.

4.7 Highways England – No Objection:

We can confirm that the Noise Mitigation Report methodology is robust and considers prevailing policies and standards. The mitigation proposed is stated within the Schedule of Noise Mitigation Section, which appears to minimise traffic noise exposure within the internal and external areas to within the ambient noise level guidelines as set out in BS 8233:2014. The Report also states that the fence should be designed in accordance with relevant guidance, such as the Design Manual for Roads and Bridges (DMRB) Volume 10, Section 5, Part 2, Environmental Barriers, Technical Requirements, HA 66/95.

The submitted boundary treatment plan, drawing no. SHRW-FEN-01, states that the Acoustic fence/ Boundary Treatment situated within close proximity of the A5 Trunk Road Highway Boundary will be set back 1 metre from the SRN Boundary therefore demonstrating compliance with DfT Policy 02/2013 Annex A1.

Highways England therefore suggests that a suitably worded condition for the detailed design of the proposed noise mitigation such as the following:

‘Prior to commencement of development the detailed design of the proposed Noise Mitigation measures including Acoustic fencing and Windows, as outlined in the submitted Noise Impact Report and Schedule undertaken by Acoustic Air dated November 2017, shall be submitted to and approved in Writing by the Local Planning Authority in liaison with Highways England. The approved noise mitigation measures must be implemented prior to occupation of the development.’

The drainage strategy submitted confirms that the surface water drainage intends to outfall to the North of the development site within the existing balancing pond and Surface Water sewer connection near Oteley Road. The foul is also proposed to outfall to the existing foul sewer in Oteley Road. We can confirm that the Drainage strategy is likely to impact the SRN and the development proposal complies with DfT Policy 02/2013 Para 49 and 50.

In light of the above we find that the submitted drainage strategy is suitable to remove this reserved matter.

(Officer Comment- The approval and implementation of the noise mitigation measures and of satisfactory drainage are matters controlled through the conditions on planning permission 14/04428/OUT. The reserved matters in the current application would not prejudice the approval of appropriate details to satisfy those conditions).

4.8 SC Archaeology – No comments to make with respect to archaeological matters.

4.9 Severn Trent Water – No Objection:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

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

(Officer Comment – All drainage matters are addressed through the planning conditions on outline permission 14/04428/OUT and are not matters for consideration in assessing these reserved matters).

4.10 SC Affordable Housing- no reply received.

- 4.11 SC Parks and Recreation – no reply received. (Were involved in pre-application discussions).

-Public Comments

- 4.12 Site notice displayed 22.01.18; press notice published 23.01.18. Fourteen neighbour notification letters sent out. There has been no response to this publicity.

5.0 THE MAIN ISSUES

Principle of development

Affordable Housing and on site Development Mix

Scale, layout and appearance

Landscaping and Open Space

Highway Safety

Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of Development

- 6.1.1 The principle of residential development on this site has been accepted through the grant of outline planning permission 14/04428/OUT. These principles cannot be revisited in the consideration of this reserved matters application.

6.2 Affordable Housing and on site Development Mix

- 6.2.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards the provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. In this particular case the development would deliver affordable housing at the 15% prevailing rate applicable to the Shrewsbury South SUE in the period up to 2022 (amounting to 25units), which is set out in the Section 106 Agreement. The affordable dwelling mix would achieve the 70% affordable rent tenure and 30% shared ownership balance usually sought and would provide four 1 bedroomed, fourteen 2 bedroomed and seven 3 bedroomed dwellings (The shared ownership being four of the 2 bed and three of the 3 bed dwellings) situated in three clusters.

- 6.2.2 The context of the whole Shrewsbury South SUE means that there are likely to be groups of affordable housing across the land to the west and east (Including those approved in the Miller Homes development 16/02618/FUL) when those reserved

matters are submitted, and there are also the approved affordable housing groupings in the Sutton Grange part of the SUE to the north of Oleley Road. It is considered that the affordable housing quantity, mix and positioning within the proposed development is acceptable, and not grounds on which a refusal of these reserved matters could be sustained in this case.

- 6.2.3 Throughout the whole development there would be 4 one bedroomed; 27 two bedroomed properties; 82 three bedroomed properties and 51 four bedroomed properties. The precise dwelling mix is a marketing decision for the applicant, but it is considered that the mix of development proposed here would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities.

6.3 Scale, layout and appearance

- 6.3.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. The Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD12 expand further on these Core Strategy policies. The Master Plan envisages for the portion of the SUE in which the current reserved matters submission sits, which it calls 'Oteley Rise' character area, that the urban structure should be a linear grid defined by major routes bordering the site; easy north-south routes and connections; and a central spine (Main Street) with squares. The building types should be varied, including terrace, semi-detached and detached housing, with terrace and town house housing included around the Local Centre (Which is to the west of Development Zone 'X') and along the Main Street. Key features and public spaces listed for this character area are:

- Central Green (formal), linked to the Local Centre.
- Public squares along the Main Street.
- Neighbourhood play facility, linked to the Central Green and Main Street.
- Mature landscape frontage to Oteley Road, including avenue trees and water features.
- North –south green corridors incorporating footways/cycleways and link to countryside to the south of the site (Connection to countryside to south is outside of the current application site).
- Landscape/noise buffer to the A5(T).

-Scope for the hatched area to form part of the Local Centre if more land is required (This falls outside the current application site in Development Zone 'X').

6.3.2 It is considered that the form of the proposed dwellings and the layout of the site, described in paragraphs 1.1 to 1.14 above, comply with these aspirations of the Master Plan for this section of the Oteley Rise character area. The layout of the development would include different character areas, with the attenuation pond area linked to a further large area of public open space within the main body of the development (With associated hedge and tree planting) which would form a public square/green, coupled with the retained trees and hedge along Oteley Road, would give an open aspect to that road. The development along the boulevard/spine road would have spacious feel due to the width of the carriageway, tree planting strips and footways, with the mix of 2 storey and 2.5 storey dwellings on either side with a matching set back of properties from footpaths on either side of that road would give a degree of formal cohesion in the spine road street scene sought by the Master Plan. The development to the south of the spine road would have a less formal layout, particularly where the built form would abut the landscape buffer public open space along the southern site boundary, but with the orientation and spacing of the proposed dwellings still adhering to the noise mitigation which has been approved as satisfying condition 8 on planning permission 14/04428/OUT. Some sections of the cul-se-sac roads would only require a footway to one side and would be shared surfaces to reinforce this less formal character. The footpath links through the development and access points would have a good connection to those on Oteley Road and road and open space layout would give the possibility of connectivity with residential development reserved matters proposals that come forward for the land to the west and east. The points of access into the public open space along the southern side of the site without utilising private drives would facilitate circular walks and use of that space. In relation to the whole Shrewsbury South SUE, the Master Plan advises that "In general blocks should be designed as closed perimeter blocks with 'back to back' properties" and this would be achieved in the proposed development.

6.3.3 The proposed house types would be well proportioned and appropriate for this location. The predominant use of brick and tile, but with some units being rendered or having rendered elements, would reflect features found in and around Shrewsbury. The inclusion of front projecting gables on some dwellings, dormer peaks and 24 chimneys across the development, together with the mixture of roof tiles, would provide variety to the roof scape.

6.3.4 It is considered therefore, for the reasons explained above, that the proposed development would be appropriate in scale, density, pattern and design as required by policies CS6 and MD2, and would not detract from the quality of the built environment to this part of Shrewsbury, satisfying policy CS17 in this respect.

6.4 Landscaping

6.4.1 Core Strategy policies CS6 and CS17 seek to protect those features which

contribute to local character. The Master Plan for the Shrewsbury South SUE sets out the principles to be incorporated in landscaping schemes for the development areas, with retention of existing trees and hedges where possible and a tree lined boulevard/spine road being a key element. The landscaping reserved matters submitted adheres to these principles and the proposed landscaping within the house plots and open space areas would enhance the appearance of the streetscenes.

- 6.4.2 Condition 27 of planning permission 14/04428/OUT requires the submission and approval of a tree protection plan and arboricultural method statement for each development zone before work can commence in that zone.
- 6.4.3 The comments made by the Council's Trees Team about the species of tree proposed, suggesting that fastigate hornbeam be replaced by fastigate oak for the boulevard/spine road were put to the applicants. They have responded that their arboricultural consultants consider that the growing characteristics of fastigate hornbeam make them more appropriate to achieving the boulevard in this case. Given that the Trees Officer accepts that a fastigate hornbeam is a suitable type and it would be her own personal preference for a fastigated oak, this is not a landscape detail that would warrant a refusal in this case.

6.5 Open Space

- 6.5.1 SAMDev Plan policy MD2.5 relates to sustainable design and seeks to ensure that landscaping and open space are considered holistically as part of a whole development to provide safe, useable and well-connected outdoor spaces. It sets a target of 30 sqm of public open space per bed space in a development. In this particular case the areas of open space within the application adhere closely to the illustrative Master Plan. Taken in isolation the proposed site layout would slightly under-provide against the 30 sqm target. The revised layout, which has widened the landscape buffer to the A5(T) road would provide some 1.44Ha of public open space against a target of 1.5Ha if this reserved matters proposal is considered in isolation from the rest of the Shrewsbury South SUE. Elements of attenuation pond areas can be used in the calculation of public open space where those areas are capable of dual use. However, account must be taken of the adopted Master Plan and the delivery of open space across the whole Shrewsbury South SUE, which includes the significant over provision of public open space at Sutton Grange when this standard is applied. A formal play area to serve the housing development to the south of Oteley Road would be included in the area to which these reserved matters relate and its positioning would facilitate use by housing development in other development zones. The location of the local equipped area for play (LEAP) would have a 25m buffer zone to the play area. There would be a 6m buffer between the edge of the public open space containing the play area and the internal spine road comprising of a 3m footpath and a 3m grass verge which, and the play area would be enclosed by 1m high railings. The proximity of roads would not compromise the safety of the users of this area of public open space and play area.

- 6.5.2 It is considered therefore, for the reasons explained above, that the open space within the proposed development is acceptable. The Section 106 Agreement includes measures to ensure the long term maintenance of the open space areas by an appropriate body.

6.6 Highway Safety

- 6.6.1 In terms of this specific development proposal it must be established under Core Strategy policy CS6 the proposal would be a safe development with appropriate car parking provision. The layout has been the subject of discussions with the applicants following receipt of the Highway comments set out above at 4.2, and these discussions have included the Councils Developing Highways Manager, South and Central. These discussions have resulted in some adjustments to the size of some vehicle parking areas; manoeuvring areas and turning spaces, a reduction in the number of accesses direct onto Oteley Road; junction surface treatments and to the location of some collection points for waste bins.

- 6.6.2 Revised drawings have been submitted which have addressed the above concerns. The Council's Developing Highways Manager has confirmed verbally, at the time of writing this report, that the adjustments made are acceptable and that a refusal on highway safety grounds could not be sustained. The site layout would give options for non-car modes of travel. The level of car parking provision within the proposed development, which would achieve a minimum of two spaces per dwelling with the exception of four affordable dwellings which would share six spaces at the end of a cul-de-sac, is considered to be adequate.

6.7 Residential Amenity

- 6.7.1 Core Strategy policy CS6 seeks to safeguard residential amenity. There are no existing dwellings immediately adjoining the application site, with the closest properties being on the opposite side of Oteley Road. The residential amenities of those properties would not be harmed by the proposed development.
- 6.7.2 The layout of the proposed dwellings would not result in any unacceptable residential amenity conflicts within the development itself. The Master Plan for the SUE has identified the need for a noise buffer to the A5, to safeguard the residential amenity of dwellings built on this portion of the SUE, and this has been confirmed by the Noise Report which has been submitted with this application. This noise barrier would comprise of a 3 metre high fence along the southern site boundary of the linear strip of public open space along the southern side of the site. The Council's Public Protection Team has advised that the implementation of the noise mitigation measures specified in the report would safeguard residential amenity satisfactorily. Formal approval of the noise mitigation measures would have to be through a separate submission to discharge condition 8 of planning permission 14/04428/OUT in respect of Development Zone 'Y'.
- 6.7.3 It is almost inevitable that building works anywhere cause some disturbance to

adjoining residents. This issue has been addressed on the outline planning permission through conditions on the hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) to mitigate the temporary impact, along with the requirement for a construction method statement to be approved.

7.0 CONCLUSION

- 7.1 The principle of residential development has been accepted with the grant of outline planning permission 14/04428/OUT. The only matters for consideration in this particular reserved matters application relate to the layout, appearance, scale, access and landscaping of the housing parcel included in this application.
- 7.2 The design principles set out in the Master Plan are achieved by the proposed scheme, which would have a distinctive identity whilst also respecting the qualities and character of the existing environment and surrounding development. The layout and mix of affordable housing within the housing parcel, along with the overall housing mix, is considered acceptable for this part of the site. The proposed development would be appropriate in scale, density, pattern and design taking into account the local context and character. The proposed landscaping scheme would enhance the appearance of the streetscenes.
- 7.3 The proposed scheme would satisfy the economic, social and environmental roles of sustainable development set out in the National Planning Policy Framework. The residential amenities of adjacent properties would not be unduly harmed by the proposed development. The areas of public open space would be appropriately sited to provide amenity open space, with connectivity through to existing surrounding development to the north of Oteley Road and the layout would also give opportunities for connections to the wider Shrewsbury South SUE area to the west and east, as required by the Master Plan.
- 7.4 The proposed site layout and junction arrangements would not be detrimental to highway safety and the site layout would give options for non-car modes of travel, which would be encouraged through a planning condition requiring the approval of a Residential Travel Plan attached to the outline planning permission. The amount of off road parking provision would be adequate. These appearance, landscaping, layout, scale and access details, in conjunction with the conditions on the outline planning permission requiring the implementation of the Ecological and Landscape Habitat Management Plan; external lighting plan; nests and bat boxes; protective fencing, would ensure the proposed development would not harm ecological interests and would meet the environmental objectives of the Master Plan for this part of the Shrewsbury South SUE.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ⑦ 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.
- ⑦ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee

members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy:
CS2 Shrewsbury - Development Strategy
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
Site Allocations and Management of Development (SAMDev) Plan:
MD2 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment
S16 Shrewsbury Area

Shrewsbury South Sustainable Urban Extension Adopted Master Plan

RELEVANT PLANNING HISTORY:

14/04428/OUT Outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space GRANT 23rd June 2015

15/00797/FUL Formation of two new accesses and a toucan crossing on the B4380 Oteley Road and sections of the Oteley Road south estate road GRANT 20th May 2015

15/04254/AMP Amendments to Planning Application 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and

supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space GRANT 14th December 2015

15/04535/AMP Amendments to Planning Application 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space GRANT 8th February 2016

15/04675/DIS Discharge of Conditions 5 (Phasing Plan) and 6 (Phasing Plan) on Planning Application 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISAPP 24th March 2016

15/04758/DIS Discharge of Condition 19 (Contamination) on Planning Application 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISPAR 21st April 2016

15/04865/DIS Discharge of Condition 16 (Archaeology) on Planning Application 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISAPP 14th December 2015

15/05388/DIS Discharge of Conditions 7 (Drainage) and 15 (Habitat Management) attached to Planning Application 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISPAR 23rd June 2016

15/05451/DIS Discharge of Condition 3 (Construction Method Statement) attached on Planning Application 15/00797/FUL for the formation of two new accesses and a toucan crossing on the B4380 Oteley Road and sections of the Oteley Road south estate road DISAPP 25th January 2016

15/05491/DIS Discharge of condition 4 parts a) and b) (Road Design) attached to planning permission 15/00797/FUL Formation of two new accesses and a toucan crossing on the B4380 Oteley Road and sections of the Oteley Road south estate road. DISAPP 23rd March 2016

15/05545/DIS Discharge of Condition 12 (traffic management) and 27 (tree protection) relating to planning permission 14/04428/OUT - Outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISAPP 20th April 2016

16/00035/AMP Amendments to Planning Application 15/00797/FUL for the formation of two new accesses and a toucan crossing on the B4380 Oteley Road and sections of the Oteley Road south estate road GRANT 2nd February 2016

16/00294/DIS Discharge of condition 4 (Road Design) attached to planning permission 15/00797/FUL Formation of two new accesses and a toucan crossing on the B4380 Oteley Road and sections of the Oteley Road south estate road. NPW 28th January 2016

16/01062/REM Layout reserved matters on planning permission 14/04428/OUT in respect of an attenuation pond in Development Zone Y GRANT 27th May 2016

16/01063/REM Layout and Access reserved matters on planning permission 14/04428/OUT in respect of the construction of an access road into the Western Development Area GRANT 6th September 2016

16/01068/DIS Discharge of Condition 19a (Contamination - Site Investigation) on Planning Permission 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISAPP 26th May 2016

16/01209/REM Application for reserved matters (layout) pursuant to permission 14/04428/OUT in respect of an engineering operation to cut and fill materials within Development Zones Y and Z GRANT 22nd April 2016

16/05281/DIS Discharge of condition 8 (Noise Mitigation Strategy) attached to planning application 14/04428/OUT Outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses (A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISPAR 2nd February 2017

17/04306/DIS Discharge of Conditions 5 (Phasing Plan) and 6 (Phasing Plan) on Planning Permission 14/04428/OUT for the outline application for residential development of up to 550 units, up to 23ha (gross) of commercial development including B1, B2 and B8 uses, a hotel (C1 use), a care home of up to 70 beds (C2 use) and supporting local centre and community uses

(A1, A2, A3, A4, A5, D1, D2), estate roads and associated highways works, associated infrastructure, associated earthworks, and landscape works including informal open space and children's play space DISAPP 11th October 2017

11. Additional Information

[View details online:](#)

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p> <p>Design and Access Statement</p> <p>Habitat Management Plan</p> <p>Landscape Management Plan</p> <p>Noise Mitigation Report</p> <p>Planning Statement</p>
<p>Cabinet Member (Portfolio Holder)</p> <p>Cllr R. Macey</p>
<p>Local Member</p> <p>Cllr Ted Clarke</p> <p>Cllr Jane Mackenzie</p> <p>Cllr Tony Parsons</p>
<p>Appendices</p> <p>APPENDIX 1 - Conditions</p>

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The external facing materials for the development shall be as stated on drawing number ORS-MAT-01B, dated 06.11.17 unless an alternative schedule(s) of materials has (have) first been submitted to and approved in writing by the Local Planning Authority prior to the first use of those materials. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

3. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out in accordance with a timetable to be approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

4. The access roads, footpaths, parking areas, highway surface water drainage, street lighting and carriageway markings/signs shall be fully implemented in accordance with details which have first been approved in writing by the Local Planning Authority, with the estate roads, footways, vehicle manoeuvring, parking and turning areas constructed to at least base course macadam level before the dwellings that they would serve are first occupied.

Reason: In the interests of highway safety.

Informatives

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

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy:

CS2 Shrewsbury - Development Strategy

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan:

MD2 Sustainable Design

MD12 Natural Environment

MD13 Historic Environment

S16 Shrewsbury Area

Shrewsbury South Sustainable Urban Extension Adopted Master Plan

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.

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Committee and date

Central Planning Committee

12 April 2018

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: 17/05333/FUL

Parish:

Pontesbury

Proposal: Erection of an affordable dwelling, associated garage and installation of septic tank

Site Address: Proposed Affordable Dwelling NW Of Terrace Farm Cruckton Shrewsbury Shropshire

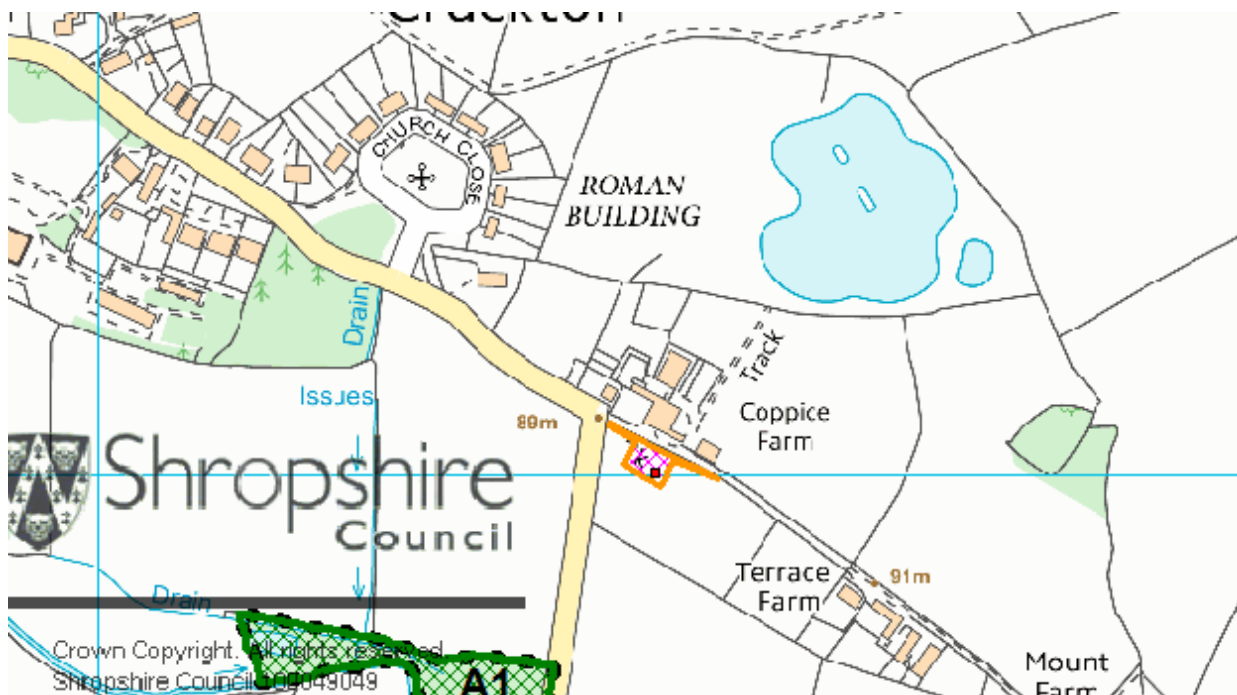
Applicant: Mr G Gaskell

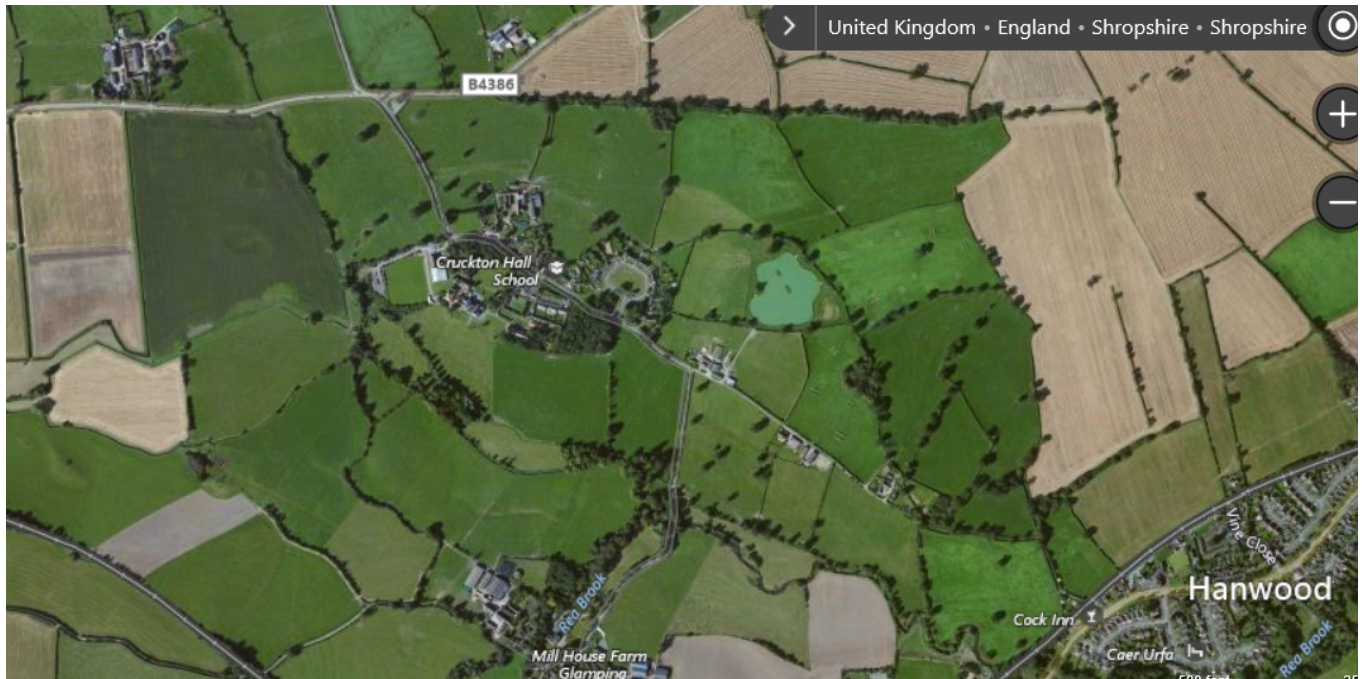
Case Officer: Alison Tichford

email: planningdmc@shropshire.gov.uk

Grid Ref: 343371 – 310003

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**Recommendation: - Refuse****Recommended Reason for Refusal**

The proposed development is in an inappropriate location for an exception site dwelling due to the following:-

- The proposed site cannot be considered to be within or adjacent to the named settlement of Cruckton, clearly falling within the rural landscape rather than the settled area.
- Development of the site would adversely affect the local historic and rural character as well as the local landscape and would
- have detrimental impact on visual amenity
- diminish the local distinctiveness
- respond inappropriately to the form and layout of existing development
- The site is accessed from a public bridleway, and sits very close to existing agricultural buildings and may not be considered as a suitable location for the provision of an affordable dwelling in perpetuity.

This proposal for a dwelling in this location would therefore be contrary to the overall development strategy for the area and fall outside policy requirements within CS11 and the Type and Affordability of Housing Supplementary Planning Document 2012, as well as CS6, CS17, SAMDev, MD2, and MD13.

Officers acknowledge that the proposal may be able to satisfy policy in terms of drainage, impact on heritage assets, ecology, trees, highways, and rights of way issues, but these do not outweigh the objection to the principle and location of the development.

The application is recommended for refusal.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of an affordable exception site three bedroomed home providing 100 sq. m gross internal floor space, a detached double garage, septic tank and associated curtilage space. The application site is 0.10ha appx.
- 1.2 The dwelling will consist of a two storey house with porch, an entrance hallway, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite, with a single storey addition comprising a utility and wet room with side porch. A detached double garage with dual pitched roof is also proposed.
- 1.3 Revised plans have been received during the course of the application which have altered the proposed size and layout of the plot and the height and design of the dwelling and garage.
- 1.4 In September 2017 a similar proposal on land east of Terrace Farm was refused by committee, (17/02233/FUL).
- 1.5 A proposed poultry unit has recently been refused permission in fields immediately south of the proposed site. (18/00586/FUL)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the south east of the small rural settlement of Cruckton, and is a defined plot within an existing pasture field north west of Terrace Farm. The field lies on the south side of a bridleway, and opposite Coppice Farm to the north.
- 2.2 Previous development at Terrace Farm has included the conversion of Terrace Farm's stable block to ancillary residential accommodation (permission granted 2002).
- 2.3 The grade II listed Church of St Thomas and Roman Villa Scheduled Ancient Monument are located approximately 200 metres to the north west of the proposed site with other designated assets located further to the north west and a further distance away to the South.
- 2.4 The site is accessed from a registered bridleway accessed itself from the C classified Cruckton Crossroads to Cruckmeole Road, and is approximately 820 metres to the north west of the village of Hanwood.
- 2.5 Historic mapping indicates that there was no development along this bridleway until the 20th century, and there now appear to be 3 separate properties, perhaps originally established as small holdings. Coppice Farm lies 200m appx. to the north

west of Terrace Farm, and immediately opposite the newly proposed site. Permission was granted here in December 2016 for a single plot exception site affordable dwelling south east of the farm buildings. Mount Farm lies 200m appx. to the south east of Terrace Farm, and was granted permission in 2007 for the conversion of redundant buildings to ancillary accommodation.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Pontesbury Parish Council, supported by the Local Member, have submitted a view contrary to Officers recommendation for refusal based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions

4.0 COMMUNITY REPRESENTATIONS – full comments can be viewed on the planning record

4.1 Consultee Comments

- 4.1.1 SC Flood and Water Management
Informative advice provided.

- 4.1.2 SC Affordable Housing
Comments indicate that, on the basis that Mr Gaskell's circumstances have not changed since approval in March 2017, the eligibility requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

- 4.1.3 SC Ecology
No objection, but conditions as to bats/bird boxes and lighting plans, and informative advice, proposed.

- 4.1.4 SC Highways
No objection – subject to the development being constructed in accordance with the approved details and compliance with recommended conditions as to completion of parking and turning areas. Informative advice was also provided.

- 4.1.5 SC Rights of Way
Commented as follows:
The definitive line of BW 85 runs down the lane from which the proposed access into the new development will leave and which is being used as private access to the other properties. A Bridleway allows the public to use this route on foot, horseback and cycle and does not carry public motorised vehicular rights. The applicants are advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. From the plans provided it appears that the bridleway will not be directly affected by the development.

Informative advice has been provided.

4.1.6 SC Trees

Commented that the wider site contains a significant tree, but that there would be sufficient distance between this tree and the property to ensure that they could be retained and protected through the development and into the future without significantly impacting on residential amenity. Conditions were suggested to ensure no damage would occur to trees on site.

4.1.7 SC Archaeology

Comments indicated satisfaction that the proposed dwelling would not affect the setting or significance of the nearby Scheduled Monument, and that the proposed site itself is not considered to hold archaeological interest.

4.1.8 SC Conservation

No objections

4.1.9 SC Public Protection

Provided comments indicating that farming practices at Coppice Farm opposite the site might have the potential to be noisy at unsociable hours of the day, and produce odours, and that this should be given appropriate weight when considering the question of the attractiveness of the dwelling as an affordable home in perpetuity.

4.2 Public Comments

4.2.1 Parish Council

The Parish Council strongly supported the previous application 17/02233/FUL, which was refused by Shropshire Council, and in principle supports this new application but prefers the site as proposed under the previous application. The previous site by Terrace Farm was supported by the community and the Parish Council and the interpretation of the Planning Policy relating to named settlements for this applicant should be reconsidered. There are local concerns about the height of the proposed dwelling on this site and this should be taken into consideration.

4.3 Public Comment

Three neighbouring properties have been advised as regards the proposal and a site notice has been posted for the required period. Public comments have been received from two sources as a result of this publicity. Concerns raised include:

- Greenfield site less suitable for development than previous proposal adjacent to existing buildings
- Proximity of agricultural shed less than 20 metres away on opposite side of bridleway
- Proposed garage would appear to sit on top of the septic tank drain from Coppice Farm opposite
- Height should be restricted to a single storey in order to be in keeping with other nearby buildings.

Remarks made in favour of the proposal are as follows:

- The dwelling is proposed within the group of buildings already there and not to intrude on any other properties views etc or encroach into the countryside
- Permission has been granted for an affordable dwelling at Coppice Farm and the situation is no different at this site
- The view from Cruckmeole to Cruckton will be improved as the new dwelling will mask the farm buildings at Coppice Farm.

5.0 THE MAIN ISSUES

Principle of development

Design, Scale and Character

Impact on Residential Amenity

Other Matters – Trees, Ecology, Heritage Assets, Public Protection, Highways, Rights of Way

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.
- 6.1.2 Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted on 17 December 2015. The SAMDev Plan document sets out Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy. Shropshire Council currently has 6.04 years supply of deliverable housing land.
- 6.1.2 The site falls outside any defined development boundary or Community Cluster and is therefore identified as being in open countryside under SAMDev Policy MD1 and 2. Policy CS5 in the Shropshire Core Strategy, supported by SAMDev Policy 7b, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However, exception may be made if the proposal is for affordable housing to meet a local need in accordance with national and local plan policies, in which case appropriate sites which maintain and enhance countryside vitality and character may be considered.
- 6.1.3 Policy CS11 further indicates that exception schemes for local needs affordable housing may be considered on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.

- 6.1.4 Policy MD7a of the SAMDev confirms that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.1.5 The policy criteria in relation to affordable plot exception sites are clearly detailed in the current SC Type and Affordability of Housing Supplementary Planning Document (SPD).
- 6.1.6 The applicant is required to satisfy criteria including:-
- ☐ Housing need in the local area
 - ☐ Local Connection
 - ☐ Ensuring affordability in perpetuity
 - ☐ Location
 - ☐ Scale and design

7.0 **Housing need in the local area and Local Connection**

- 7.1 The Council's Housing Enabling Officer assessed the proposal in terms of housing need and local connection and confirmed that the applicant was eligible for the scheme in March 2017, and has reconfirmed eligibility in regard to the current proposal.

8.0 **Ensuring affordability in perpetuity**

- 8.1 The site is accessed from a public bridleway, and sits very close to existing agricultural buildings. Public protection consultees have pointed out that farming practices at Coppice Farm opposite the site might have the potential to be noisy at unsociable hours of the day, and produce odours. The farming business deals in sheep and cattle and has 2-10 associated vehicle movements along the bridleway every day, between 6am and 10pm. There is also a fishery to the rear of the farm buildings. The proximity to the farm on the opposite side of the bridleway may make the dwelling less attractive in the future to anyone not connected with the farm, potentially creating difficulty with the perpetuity criteria of the affordable exception site policy.

9.0 **Location**

In order to minimise the impact of "exception site" developments within the sensitive rural landscape the new development must be within or adjacent to a recognisable named settlement. Paragraph 5.14 of the SPD makes it clear that sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.

9.1 **Settlement/Sporadic Development**

- 9.1.1 In assessing whether the application site is within or adjacent to a recognised named settlement, the character of the settlement is important, and guidance is provided in paragraphs 5.17 of the SPD, summarised as follows:

a settlement is a relationship between different properties and the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered “adjoining” while a similar distance in a tightly clustered settlement would not be. Larger settlements also have a wider “pull” or “sphere of influence” than small settlements, influencing the relationship between a site and the settlement.

- 9.1.2 Pontesbury Parish Council and the Local Member, as outlined at 4.2 above, both consider the site to fall within the settlement of Cruckton.
- 9.1.3 Officers, on the other hand, tend to the view that the site cannot be considered as falling within or adjacent to a recognisable named settlement.
- 9.1.4 The intention of the policy is to encourage affordable housing while avoiding sporadic development throughout the countryside. While the more dispersed farmsteads around Cruckton will have some affinity to it in terms of postal address, parish council, social relationships and so forth, any dwelling or farm in the Shropshire countryside will have a similar affinity to some central core. However, to be considered as falling within, or adjacent to, a settlement, a proposed site must of necessity have a close physical relationship with existing built dwellings which are distinguishable as a group in spatial terms from the countryside around them.
- 9.1.5 There is today a clear central core to Cruckton, centred around Cruckton Hall which has occupied the site since the 17th century, with listed Home Farm opposite. The developed area is small with no facilities and residents will probably go to Hanwood or Pontesbury for urgent groceries, medical services, and entertainment.

There has been residential development along the road running past Cruckton Hall, within its former grounds, and opposite, on the site of the Roman scheduled monument, and including the conversion of the 19th century church. The relationship between these properties is clear, and terminates at Home Farm and New House Farm to the north and Church House to the south east.

- 9.1.6 Open countryside surrounds this developed core and contributes to its rural setting and its separation from other neighbouring settlements. There are some dispersed buildings along the roads into and out of Cruckton, all of which appear on historic mapping and present as isolated development along the roads, surrounded by fields. Coppice Farm, Terrace Farm and the other smallholding established along the bridleway between Cruckton and Hanwood are of mid C20 date and are perceived as small rural buildings set in a wide and attractive countryside landscape.
- 9.1.7 The proposed pasture field site forms part of this extensive area of open countryside around the settlement. It lies at least 200m beyond Church House at

the eastern edge of the existing built form of the settlement on the C road towards the A488.

- 9.1.8 Current users of the road from Cruckmeole on the A488 travel north through the cluster of houses at Cruckmeole and then 550m on and up into a landscape of fields and towards the brow of the bank, where Coppice Farm currently fronts the road with the appearance of an attractive smallholding with low attached farm buildings. The 2016 approved affordable dwelling here will have a single storey and will be viewed adjacent to and in the context of the existing farm buildings, and will have minimal additional impact on the landscape. The officer report and committee consideration at the time of decision did not consider that this site was within or adjacent to the settlement of Cruckton, but preferred the site to an alternative to the north west which may have had impact on the setting of grade II listed Church House.
- 9.1.9 The farm buildings at Terrace Farm are visible 300m to the west, but are not prominent, being small in scale with low roofs and appropriate within the landscape. The core cluster of buildings at Cruckton are not visible to road users until they have negotiated a 90 degree bend in the road and travelled a further 130m appx. along the lane.
- 9.1.10 Officers thus consider that the proposed site cannot be viewed as lying within or adjacent to the settlement of Cruckton, but that instead any development here would be a sporadic addition to the countryside.

9.2 **Landscape, Historic and Rural Character**

- 9.2.1 Paragraph 5.14 of the SPD makes it clear that sites which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.
- 9.2.2 The existing landscape local to the site comprises spacious green pasture land with occasional large mature trees, rising gently to the brow of the hill where a few small mid C20 farmsteads occupy staggered and separate locations along the bridleway.
- 9.2.3 The proposed development at this site would add a new and prominent presence at the brow of the hill, encumbering existing views of Coppice Farm.
- 9.2.4 Users of the bridleway currently enjoy largely open views, with occasional farm buildings on one side or the other. The proposed development would introduce a more cluttered landscape with built structure on both sides of the bridleway.
- 9.2.5 Officers consider that residential development in this elevated and prominent location would appear extraneous to the existing landscape and form an unattractive domestic intrusion into the rural environment. It would therefore not satisfy the policy requirements of CS11 and the Type and Affordability of Housing SPD, in that it would adversely affect the local historic and rural character as well as the local landscape.

- 9.3 On balance officers consider that the proposed site cannot be considered as falling within the location criteria outlined in policy in respect to affordable housing exception sites.

10 **Design, Scale and Character**

- 10.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect, restore, conserve and enhance the natural, built and historic environment, and to be appropriate in scale, density, pattern and design taking into account the local context and character. Development should safeguard local amenity and be designed to a high quality including appropriate landscaping, and make the most effective use of land and safeguard natural resources.

The explanation to CS6 elaborates as follows:

The quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets. They have a direct impact on quality of life and are an important influence on the local economy in terms of attracting investment and boosting Shropshire's image as a tourist destination. The Council will ensure new development complements and relates to its surroundings

High quality design will be expected in all new developments to ensure that the development is appropriate to its setting and surroundings and to ensure that local character is reflected. Appropriate landscaping and tree planting will form an integral part of any proposal to ensure that development is better assimilated into its surroundings.

- 10.2 CS17 states that all development will protect and enhance the diversity, high quality and local character of Shropshire's natural environment, and will not adversely affect its visual value and function. Development should contribute to local distinctiveness, having regard to the quality of Shropshire's environment.

- 10.3 SAMDev Policy MD2 requires proposals to:

Contribute to and respect locally distinctive or valued character and existing amenity value by:

- i. Responding appropriately to the form and layout of existing development and the way it functions, and
- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;

new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

- 10.4 5.19 of the Type and Affordability of Housing SPD states that exception site developments must have regard to housing need and are relatively small sites.

- 10.5 5.20 continues that any development must be in harmony with the character of the area, of a suitable design and construction materials and appropriate to its location, and that given the exceptional nature of these developments, high quality design is essential
- 10.6 5.22 specifies that the dwelling size will not normally be permitted to exceed 100 square metre gross internal floor area. Detached garages and other outbuildings for storage purposes will not count against the 100sqm and therefore may be permitted, where they are suitably designed and appropriate to their context.
- 10.7 The proposed dwelling will measure approximately 13 metres wide in total, comprised of the 2 storey section of 9.9m width, and the single storey extension of a further 3.1m width. The proposed dwelling will be 6.6 metres deep at its maximum, with an additional front porch area of 1.1m depth appx. The dwelling will have a maximum ridge height of appx. 7.4 metres (reduced from 7.8m originally), eaves of 3.9 metres (reduced from 5.1 originally). The total internal floor space will be appx. 100 sq. m gross.
- The double garage with dual pitched roof and the rear slope extending lower to provide a log store, will measure approximately 7.2 metres wide, 6.6 metres deep with a ridge height of appx. 4.9m (reduced from 5.7metres originally), eaves of 2.4metres.
- 10.8 5.23 indicates that the overall plot size must be appropriate in terms of the general pattern of development in the surrounding area, and that a plot size exceeding 0.1 hectare will not normally be permitted. The proposed site (as revised) is appx. 0.1 hectare in size.
- 10.9 The amended design for the dwelling, submitted during negotiations, includes lower eaves than originally proposed, with dormer windows to the roofspace and does better reflect the local character than the original proposal. Similarly, the amended design for the proposed double detached garage is reduced in height and has less glazing than originally proposed, and will be more reminiscent of local farm buildings.
- 10.10 However, officers take the view that a single garage would be more appropriate and better suited to maintaining the affordability of an exception site and still serve the purpose of providing storage for the applicant's work van and tools.
- 10.11 A double garage also creates additional built structure on a site which in any case seems inappropriate to accommodate any domestic intrusion.
- 10.12 As detailed above, the proposed dwelling and garage would be prominent in the local countryside landscape, visible towards the brow of the hill in views from all directions, including from the public bridleway and the highway adjacent. Officers consider that development of this site would neither conserve nor enhance the historic landscape environment here as required by CS6 and 17, and would diminish the local distinctiveness.

- 10.13 Neither would a new dwelling here respond appropriately to the form and layout of existing development. There are only 3 small farmsteads along the bridleway to Hanwood, each with a farmhouse and some low farm buildings, and they are clearly distinct from each other with open land between them, and no buildings facing them on the other side of the bridleway. The space around them is important to the rural character they present, and an additional dwelling here, opposite the farm buildings of Coppice Farm would constitute an alien intrusion to this landscape.
- 10.14 The site for the dwelling lies immediately opposite farm buildings, and officers feel that this will not, as suggested, provide context for the new dwelling but will rather highlight the domestic nature of the new addition to the landscape.
- 10.15 Landscaping is proposed to include post and rail fencing, and native hedging to the north west boundary, with some larger trees in addition. A large mature tree will be retained within the curtilage, and some additional trees will be planted. However, the landscaped grounds also include low walls, pathways, and 40sq.m of elevated decking which would add to and highlight the new domestic nature to the site and could not usefully mitigate the new built development in the countryside.
- 10.16 A new access from the bridleway is to be provided, and there will be some associated additional vehicular traffic. Although highways consultees are satisfied this will not create any safety concerns, it will all add to erosion of the existing peaceful and rural nature to this bridleway between two separate centres of population.
- 10.17 The proposed plot situated on land to the north west of Terrace Farm is a substantial distance from the listed building of Church of St Thomas and Scheduled Ancient Monument further to the north west. It will be fairly well screened by existing tree cover, buildings and vegetation, and officers consider that the proposed dwelling would have no additional adverse impact on the nearby heritage assets, or those situated further into the settlement of Cruckton, than that already described above on the general rural approach to the village.
- 10.18 Whilst it is acknowledged that the proposed dwelling is moderate in scale and design, the double garage is not considered necessary or appropriate for an affordable dwelling, and more significantly, it is not considered that this location lends itself to the erection of a dwelling house. The site is open with wide vistas out towards the open countryside and with only one existing boundary along the bridleway. It is considered that construction of a new dwelling at this location, with associated domestic paraphernalia and clutter, would constitute a detrimental addition to the landscape at odds with the rural and open aspect of the setting.
- 11.0 **Impact on Residential Amenity**
- 11.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 11.2 The proposed new dwelling will lie opposite Coppice Farm on the northern side of the bridleway. As detailed above, there is some existing and potential farming activity at Coppice Farm which may affect the amenity of any new dwelling here and make it less attractive as an affordable home in perpetuity.
- 11.3 The new home would appear unlikely to have any impact upon the amenity enjoyed by Coppice Farm, but the amenity of the new dwelling itself may be compromised by its location opposite agricultural buildings and accesses.
- 12.0 **Other Matters – Drainage, Trees, Ecology, Impact on Heritage Assets, Highways, Rights of Way.**
- 12.1 Consultees generally have no objections to the proposal, but have provided conditions and informative advice, and officers concur that these will enable compliance with policy in regard to these matters and should be included on any grant of planning permission.

13.0 CONCLUSION

The proposed development is in an inappropriate location for an exception site dwelling.

- The proposed site cannot be considered to be within or adjacent to the named settlement of Cruckton, clearly falling within the rural landscape rather than the settled area.
- Development of the site would adversely affect the local historic and rural character as well as the local landscape
- The site is accessed from a public bridleway, and sits very close to existing agricultural buildings and may not be considered as a suitable location for the provision of an affordable dwelling in perpetuity, as required by the relevant policy.

This site therefore falls outside policy requirements within CS5, SAMDev MD7b, CS11, SAMDev MD7a and the Type and Affordability of Housing Supplementary Planning Document 2012.

Although the amended design for the dwelling and garage better reflect the local character than the original proposal, officers consider that the proposed development of this site would:

- neither conserve nor enhance the historic landscape environment
- have detrimental impact on visual amenity
- diminish the local distinctiveness
- respond inappropriately to the form and layout of existing development.

The proposed development therefore fails to satisfy CS6, CS17, and SAMDev MD02 and 13.

Officers acknowledge that the proposal may be able to satisfy policy in terms of drainage, impact on heritage assets, ecology, trees, highways, and rights of way issues, but these do not outweigh the objection to the principle and location of the development.

The proposal for housing in this location would therefore be contrary to the overall development strategy for the area and would be contrary to the relevant parts of the Type and Affordability of Housing SPD and fail to satisfy policies CS5, CS6, CS11 and CS17 of the Core Strategy and policies MD01, 02, 07a, and 13 of the SAMDev Plan. The application is recommended for refusal.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD7A - Managing Housing Development in the Countryside

MD13 Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

17/02233/FUL Erection of an affordable dwelling, associated garage and installation of septic tank, refused

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 Roger Evans
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

No above ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

Notwithstanding the approved plans, no works associated with the development permitted will commence a full landscaping plan will be submitted.

Reason: To ensure due consideration is given to ensuring the appearance of the development is appropriate to the rural landscape in which it is located.

No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All services will be routed outside the Root Protection Areas indicated on the TPP or, where this is not possible, a detailed method statement and task specific tree protection plan will be included.

Reason: To ensure that due consideration is given to protecting the natural features which contribute to the amenity of the local area and which are important to the appearance of the development.

All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development.

Reason: To ensure the protection of the natural features which contribute to the amenity of the local area and which are important to the appearance of the development.

No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of the said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

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

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

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

The development hereby permitted shall not be brought into use as a dwelling until the areas shown on the approved plans for parking and turning of vehicles have 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

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

Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B and C shall be erected, constructed or carried out.

Reason: To ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy.

All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made.

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

The detached garage included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single

dwelling unit, but shall not be converted into or used as habitable accommodation, or used for commercial or business purposes.

Reason: To ensure that the outbuilding is not used as a separate dwelling and that the property as a whole remains of a size which is 'affordable' to local people in housing need, in accordance with Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order modifying, revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The lighting shall be installed strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Throughout a period of 5 years from the date of occupation of the new dwelling, no existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

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

The new (affordable) dwelling(s) hereby permitted shall be constructed to a minimum of an equivalent to the Code for Sustainable Homes level 3, for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint.

The dwelling hereby permitted, shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created within the dwelling by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

Informatives

1. A Bridleway allows the public to use this route on foot, horseback and cycle and does not carry public motorised vehicular rights. The applicants are advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal.

Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles. It is a road traffic offence to drive a motor vehicle on a public restricted byway without lawful authority.

2. The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. 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/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be

clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

6. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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

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

7. This planning permission does not authorise the applicant to:
construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

8. Drainage arrangements should 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 should be allowed to discharge into any highway drain or over any part of the public highway

9. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.



Committee and date

Central Planning Committee

12 April 2018

Item

8

Public

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/03895/OUT	Parish:	Frodesley
Proposal: Outline application for demolition of former public house (with ancillary residential accommodation) and erection of a dwelling (amended description).		
Site Address: Swan House Frodesley Dorrington Shrewsbury Shropshire		
Applicant: Mr And Mrs Jackson		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	

Grid Ref: 351216 - 301260



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

1.0	THE PROPOSAL
1.1	The application seeks Outline application for demolition of former public house (with ancillary residential accommodation) and erection of a dwelling (amended description). The application seeks to demolish the existing building on site which is the former Swan Public House. The detached garage is to remain.
1.2	<p>The application is supported by</p> <ul style="list-style-type: none"> ☐ Planning statement ☐ Biodiversity survey and report ☐ Indicative proposed site plan ☐ Heritage survey ☐ Structural survey ☐ Trading accounts (partly confidential) ☐ Marketing details
	APPLICATION UPDATE APRIL 2018
1.3	With Officer recommendation to approve, the application was previously placed on the agenda for November 2017 Planning Committee meeting. However a late representation was received on 13 November, which included notification that an offer had been made to purchase the Swan Inn, based on a valuation commissioned by the potential purchaser. The stated intention, apparently was to re-open the Swan Inn as a pub. This representation was considered a material consideration worthy of clarification. The application was removed from the Committee agenda before publication.
1.4	Since then, there have been discussions between applicant and potential purchaser to agree the terms of the sale. After over four months, no agreement has been reached. No explanation for the delay has been provided which might justify a further delay in determination. Currently, insufficient weight can be given to the potential sale of the Swan Inn to alter the original Officer recommendation. Accordingly, the application is now placed back on the Committee agenda with a recommendation to approve the proposal.
2.0	SITE LOCATION/DESCRIPTION
2.1	The building now known as Swan House is a traditional brick building in a line of residential properties fronting a minor road which passes through the small rural settlement of Frodesley. The road has Roman origins as part of Watling Street.
2.2	The building is constructed from yellow painted brick under a tiled roof and is believed to date from around 1841 when it first operated as a public house. Various modifications and alterations have been made to its original form. Access is immediately to the side which leads to a rear car park.

2.3	The ground floor is in a very untidy condition though is laid out with bar area, eating area, seating area, kitchen and toilets. The first floor is laid out as a four bedroom apartment. Structural issues are described later in the report.
2.4	The current owners and applicants bought the pub in 2000. According to the supporting planning statement, the business accrued losses of £108,600 before closing in 2006. Planning applications to change the use to a dwelling were refused, once in 2006 (ref SA/06/1137/F) and again in 2012 (ref 11/05442/FUL). It is understood that the applicants continued to occupy the building as a dwelling until 2016.
2.5	Reason for refusal of 11/05442/FUL was: <i>The proposed development would result in the permanent loss of a local service to a community where this singular facility is considered important to social and economic vitality and to a high quality of life, and is therefore contrary to Local Policies CS1 and CS8, Regional Policy RR4 and Central Government Guidance PPS4.</i>
2.6	Since the current application was first submitted, an application has been made (believed by local residents) to Historic England to have the building listed. Historic England reported in their decision of 30 October 2017 (Appendix 2) that the building did not meet the necessary criteria for listing. Nevertheless, due to its age the building is deemed by Officers to be a non-designated heritage asset.
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 which the Planning Manager in consultation with the Chair and Vice-Chair of Committee agrees that the concerns raised are material and warrant consideration by Committee.
4.0	Community Representations
	Consultee Comments
4.1	Parish Council- objection
	<p>Commenter Type: Parish Council</p> <p>Stance: Customer objects to the Planning Application</p> <p>Comment Reasons:</p> <p>Comment: The Acton Burnell Group of Parishes object to this application to demolish the Swan Public House and to rebuild.</p> <p>The strength of feeling that the community has demonstrated in letters to the Planners and representations at the Parish Council meeting, means we would like this application to go before 'Committee'.</p>

	<p>The property is still a Public House. Previous applications for a change of use to Residential, SA/06/1137/F and 11/05442/F, were refused as it would result in the 'permanent loss of a local service important to the social and economic vitality of the community'. This application to demolish and subsequently rebuild without the commercial and business aspect of the property, will result in the same 'permanent loss' If it is only the residential part of the property to be rebuilt then it would not need to be built on the same foot print to achieve the same square footage of accommodation, building on the same foot print would in effect double the living accommodation. The 'defined building line' that the applicants wish to move back to, is not clearly defined, which could have serious consequences if rebuilding were allowed.</p> <p>As an Outline application, we have no idea as to what the property is to be replaced with and would like to see a Detailed Application. Will it be the same design as now with the same façade and style, the use of similar building and roofing materials?</p> <p>The current building is not 'Listed' but it does have Heritage Asset value similar to The Royal Oak at Pitchford. No Heritage survey or independent structural survey has been presented to the Planners as yet. We believe that a full restoration of the current building is possible and that it is not necessary to demolish it.</p> <p>We disagree with the Highways decision regarding new access and recommend that there should be a single access point for the property, the neighbouring property and the footpath: visibility would be too restrictive to safely make a right turn when exiting the property, even with the demolition of the existing garage.</p> <p>The property has been allowed to fall into disrepair and the Parish Council would like to see a workable solution, but not as the current application stands.</p> <p>For the stated reasons we are objecting to this application.</p>
4.2	Conservation- no objection
	<p>For a revised conservation response, whilst we could still regard this as a non-designated heritage asset, its value in heritage terms has been diminished as a result of the poor quality of previous conversions and of its subsequent dereliction, and the cost of its future conversion and retention is such that I would potentially agree to its replacement in principle on heritage grounds. However, in terms of encouraging and promoting sustainable development the retention and re-use of the structure would obviously be preferable, and the new build would I suggest need to re-use as much historic fabric and be sited on the existing footprint in order to mitigate this impact.</p>
4.3	Highways- no objection subject to conditions and informatives
	<p>No Objection – subject to the development being constructed in accordance with the approved details, and the following conditions & informatives.</p> <p>Observations/Comments:</p> <p>The proposal seeks outline consent with all matters reserved for the erection of a replacement dwelling following demolition of the existing former Public House at Frodesley. The property has been the subject of previous applications for change of use of the current building to residential which were refused. The building is now in</p>

	<p>a dilapidated state and unsuitable for renovation. The proposed development would offer some opportunity for betterment of the access to improve visibility for emerging vehicles. A public right of way runs through the property on the western side.</p> <p>It is considered that the development would be acceptable from a highways perspective subject to the access, parking and turning facilities being commensurate with the local conditions and highway safety.</p> <p>Any future planning application should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the proposed new vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'</p>
4.4	<p>SUDS- no objection informatives only</p> <p>A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf.</p> <p>The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.</p> <p>Preference should be given to drainage measures which allow rainwater to soakaway naturally.</p> <p>Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.</p>
4.5	<p>Rights of Way- no objection</p> <p>Initial comments received</p> <p>As acknowledged within the Planning Statement it appears that Public Footpath 1 is already affected by the existing building and will be affected further by the building of the new property.</p> <p>Therefore, an application to legally divert the footpath under the provisions of the TCPA 1990 will be required and again the applicants have acknowledged this. It is requested that the applicants contact the Mapping & Enforcement Team to discuss the matter further.</p> <p>Further comments received</p> <p>With regards to the planning application at Swan House, Frodesley, I appear to</p>

	<p>have misunderstood the planning statement where it refers to the Public footpath. I understood it as the footpath was going to be provided through the site but on an alternative line, hence why I mentioned a diversion application in my comments.</p> <p>However it has now been confirmed to me that the development will allow for the footpath to be opened up on its current Definitive line which we welcome.</p> <p>Therefore, a diversion application will not be required and we ask that the footpath has a minimum width of 1.8 metres and that the applicant contact us directly should they have any questions about the footpaths reinstatement.</p>
4.6	<p>Ecology- no objection subject to conditions and informatives</p>
	<p>Recommendation:</p> <p>Please include the 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>Bats</p> <p>A daytime building inspection and general protected species walkover of the site and surrounds was carried out on 29/6/17. This identified evidence of four small Pipistrelle bat roosts associated with loose cladding on two dormer windows.</p> <p>Subsequent dusk emergence and dawn re-entry surveys were undertaken on 5/7/17 and 4/8/17 (respectively). These identified a single Soprano Pipistrelle bat using two of the four roost sites identified during the daytime inspection survey. Given their proximity to one other it is highly likely that the four roost sites will be used by the same bat on rotation - influenced by changing environmental factors. The roost is considered to be of low conservation significance.</p> <p>Works have the potential to disturb, injure and potentially kill a single - or small number of bats - and the roost sites will be destroyed. Therefore, the development of the building must be carried out under a European Protected Species Mitigation Licence.</p> <p>Mitigation will ensure that impacts are minimised by carrying out all sensitive works under bat worker supervision. Manual dismantling of the roost/s will be required prior to full mechanical demolition. This can be carried out at any time of year.</p> <p>To compensate the loss of the roost a single Schwegler 1FR bat tube will be integrated into the wall masonry in a suitable location on a south-east facing elevation of the new building. The location of this will be specified within the licence application.</p> <p>Nesting Birds</p> <p>The nests of actively breeding birds should be avoided during the works period. If nests are encountered then works should cease or avoid that area until the young have departed the nest. Works that may affect nesting birds could include the</p>

	<p>demolition of the garage and must be carried out as follows:</p> <ul style="list-style-type: none"> - During the nesting season between March 1st and September 1st after an ecologist has inspected the building for signs of nesting birds. - Between September and March 1st - outside the breeding season - when birds are unlikely to be nesting. This is the most suitable or preferred means of mitigation. - After bird access into the building has been suitably obstructed prior to March 1st or immediately after a negative nest inspection made by a suitably experienced ecologist has been carried out during the breeding season. <p>The installation of a House Sparrow nesting terrace would be a welcome enhancement to the site.</p>
4.7	Public Comments
	<p>2 supporting representations have been received:</p> <ul style="list-style-type: none"> ☐ Building is dilapidated and development is supported subject to improved access ☐ Pub not viable due to investment required to bring it up to suitable living/work standard ☐ Only one dwelling should be constructed
	<p>34 objections have been received on the following grounds:</p> <ul style="list-style-type: none"> ☐ Questions raised if repair is actually more expensive than rebuild ☐ Building has been neglected to secure planning permission ☐ There is local interest in re-opening the pub again provided site is marketed at current market value ☐ Site should be marketed at current market value to establish beyond doubt that there is no alternative use ☐ Building should be returned to its use as a pub ☐ The pub has had historical importance to the village since 1841 ☐ Condition of building is not bad enough to justify demolition ☐ Inadequate marketing ☐ Building has been intentionally neglected which explains dilapidated condition ☐ Pub was a focal point/landmark for the village and a community facility ☐ Owners have been in conflict with the community ☐ Concern that more dwellings may be approved ☐ Customers were refused entry which explains “economic viability” ☐ Owners should repair the building ☐ Shortage of pubs in local area and is within walking distance for residents of Frodesley ☐ Building has not been granted planning permission for use as a dwelling since its closure as a pub

	<p>Owner wrongly blamed community for the demise of the pub</p> <p>With the right management the pub would attract local people</p> <p>Owners deliberately drove customers away</p> <p>Recent holiday lets and caravans parks would help support the pub, as well as riders, cyclists, walkers</p> <p>No for sale sign ever seen</p> <p>Pub could be re-opened as a community share partnership</p> <p>Historic and social connections of site should be retained</p> <p>Too many pubs have been lost in rural areas</p> <p>Potential purchasers have stated their intent</p> <p>Heritage statement submitted inaccurate. The Swan has been a pub longer than has been reported and the building has been undervalued as a heritage asset.</p>
5.0	THE MAIN ISSUES
	<p>Principle of Residential Use</p> <p>Viability and Loss of Community Facility</p> <p>Structural issues</p> <p>Heritage Value</p> <p>Highways</p> <p>Ecology</p> <p>Affordable Housing</p>
6.0	OFFICER APPRAISAL
	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	Principle of Residential Use of Site
6.1.1	CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside.
6.1.2	MD7a refers to CS5 and CS11 and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters
6.1.3	The application states that the pub closed in 2006. During its operation as a pub, the Swan House was occupied for the purposes of running the business. The pub and ancillary accommodation therefore would lawfully have been classed as an A4 (drinking establishment) use. The history of residential use is likely to go back to the latter part of the C19. Taking this into account there is an element of residential use which can be given some weight in the planning balance. Since the time of closure in 2006, the primary use of the building has been residential before it was vacated in 2016. It is not considered there is conflict with CS5 or MD7a to the

	extent that unrestricted residential use can realistically be resisted either in the existing building, or in a suitable replacement.
6.2	Viability and Loss of Community Facility
6.2.1	The NPPF seeks at para 28 to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
6.2.2	CS8 seeks the development of sustainable places in Shropshire by protecting and enhancing existing facilities, services and amenities that contribute to the quality of life of residents and visitors.
6.2.3	The Core Strategy also explains at para 4.103 that facilities, services and infrastructure, such as pubs, have a direct effect on the quality of life of Shropshire's residents.
6.2.4	Officers are not aware of any application or status of the building as a Community Right to Bid Property (CRBP) or Asset of Community Value (ACV).
6.2.5	There is no doubt that public houses in small rural settlements serve as valuable community facilities and because of this, planning policies such as CS8 generally seek to resist development which might result in their loss. However it is also well known that many pubs in rural locations continue to struggle financially even without obvious competition from other pubs.
6.2.6	In this case, there is every indication that the applicants set out with good intention to run the pub as a successful business enterprise. The reasons for the decline of the pub over six years trading are unclear despite representations made by the owner and local residents. It does appear that had funds been available the building would have been maintained and essential repairs undertaken. The decline of the business is in part attributed to stated trading losses of £108,000 over 6 years.
6.2.7	Para 130 of the NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
6.2.8	According to the application, some repairs were carried out including dry-lining the walls to contain damp, new double glazing, rendering and painting of the outside, new fitted catering kitchen, new floors, furniture and fittings. The amount of repair work possible is likely to be related to the profitability of the business. Although roof repairs were not carried out sufficiently, there is considered on balance insufficient evidence of deliberate neglect. Para 130 of the NPPF is therefore given limited weight.

6.2.9	Applications to convert the building to a dwelling were refused in 2006 and 2012. It is likely that the building has deteriorated since then with the inevitable result that the likelihood of the pub re-opening are considerably reduced. Efforts to market the pub have taken place over 6 months in 2010, resulting in many enquiries but no offers, despite a reduction in sale price from £475,000 to £275,000. If local residents were genuinely interested in taking over the pub as a community interest, it is likely action would have been taken after this time. Accordingly, limited weight is given to claims by objectors that there is interest at the present time.
6.2.10	Given the condition of the building as described in the structural survey, it is deemed very unlikely that the additional costs of restoration on top of the financial uncertainty of operating a pub would attract a purchaser with realistic business intentions. The structural survey refers to economic issues at Section 17. The report states that the building is not currently mortgageable which would limit interest to cash buyers only, putting pressure on demolition rather than restoration. Moreover, there is evidence of other pubs which either remain open or have recently closed being marketed in the south Shropshire area. They are likely to be a far more attractive alternatives (assuming market value). The application lists 10 pubs within a 5 mile radius, and Officers note that some are either closed or are being marketed for sale.
6.2.11	On balance, it is considered that the prospects of the building being re-used as a pub are so remote that an appropriate alternative use would not conflict with the relevant provisions of the NPPF or the requirements of CS8.
6.3	Structural issues
6.3.1	<p>The submitted structural survey has been carried out by a chartered building surveyor. The report concludes at Section 16:</p> <p><i>The property is in a very poor state of repair which is now starting to decay even further from the inside. This decay will continue to happen in the future. It has already reached a position where the following issues need be addressed:-</i></p> <p><i>The roof needs to be completely removed, including most of the timbers.</i></p> <p><i>All load bearing walls need to be stripped back of render and plasterwork.</i></p> <p><i>Irrigation needs to be carried out to kill off wet and dry rot spores. This will significantly weak the main structure.</i></p> <p><i>All solid ground floors will need to be replaced.</i></p> <p><i>All timber suspended floors will need to be replace due to wet and dry rot</i></p> <p><i>All services will need to be removed and replaced with new.</i></p> <p><i>All doors and windows will also need renewing.</i></p> <p><i>Basically, the only areas that could be salvaged are the walls which would be seriously damaged and destabilised by the amount of drilling which would be required to cure the wet and dry rot and rising dampness.</i></p>
6.3.2	The report recommends that the best course of action would be to demolish and have the benefit of building a completely new structure at lower cost. Officers refer

	to the planning statement submitted (Para 2.4) which states repair of the building may be as high as £88,000. The agent has confirmed that this figure refers only to the cost of roof repairs made after a Valuation Office Agency (VOA) assessment.
6.3.3	Officers also consider that without intervention, the condition of the building is likely to deteriorate and cause a visual amenity issue in the village, leading to further pressure for demolition.
6.4	Heritage Value
6.4.1	The NPPF states at para 135 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6.4.2	CS17 seeks in part to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets,
6.4.3	MD13 states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that proposals which are likely to affect the significance of a designated or non-designated heritage asset, including its setting, are accompanied by a Heritage Assessment, including a qualitative visual assessment where appropriate.
6.4.4	MD13 also states that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. In making this assessment, the degree of harm or loss of significance to the asset including its setting, the importance of the asset and any potential beneficial use will be taken into account.
6.4.5	An application has been made to Historic England for the building to be listed. Historic England has reported that: <i>After examining all the available records and other relevant information, and having carefully considered the architectural and historic interest of this case, the criteria for listing are not fulfilled, although it is of some local interest as a former inn.</i>
6.4.6	Historic England note that there are a variety of C20 additions to the rear of the building and the rear roof slope, as well as comprehensive alterations to the interior in the late C20.
6.4.7	The opinion of Historic England is closely aligned with the conclusions of the submitted heritage statement:

	<i>Despite being a former beer house and then the local public house, and thus possessing some degree of local interest, it is considered to be so radically altered that it (The Swan House) is not even of sufficient historical or architectural significance to warrant being considered as a non-designated heritage asset under the current Historic England guidelines or the guidance set out in the National Planning Policy Framework.</i>
6.4.8	Referring to MD13, the building is considered by Officers to have low value as a heritage asset due to its condition and extensive alterations inside and out. Its historic value appears to be largely limited to its local interest as a former public house
6.4.9	The Conservation Officer has not objected to the demolition of the building though has expressed a preference for the re-use of the historic fabric wherever possible and that a replacement should be constructed on the same footprint. Taking heritage and structural issues into account, the proposed development is not considered to conflict with Para 135 of the NPPF, CS17 or MD13.
6.5	Highways
6.5.1	CS6 in part seeks to ensure the development is designed to be adaptable, safe and accessible.
6.5.2	Concerns have been raised through representations that the existing access is inadequate and that future access arrangements may be unsafe if the building is replaced. Nevertheless, Council Highways has not objected to the indicative plans provided and has recommended conditions accordingly. In as far as it is possible to consider access arrangements with indicative plans, the development complies with the requirements of CS6.
6.5.3	Officers refer to Conservation comments received which seek to ensure that any replacement dwelling is constructed on the same footprint as before in the interests of maintaining the linear pattern of dwellings on the road frontage. Clearly, this may alter the scope to achieve safe access when reserved matters of access are considered at a later date.
6.6	Ecology
6.6.1	CS17 and MD12 together seek the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration.
6.6.2	The submitted ecology survey concludes that bats have been shown to roost in the building. Like for like roost and flight access retention according the survey is not an option.
6.6.3	The Council's ecologist has assessed the application and agrees that a European Protected Species (EPS) Mitigation Licence is required prior to any development

	commencing.
6.6.4	The Council's ecologist has recommended measures to be imposed by condition to safeguard bat and bird habitats. In addition, the completed EPS matrix is included at Appendix 3. Accordingly the development is not considered to conflict with CS17 or MD12.
6.7	Affordable Housing
6.7.1	CS11 states that to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (<u>and</u> which have a maximum combined gross floor space of 1,000 m ²), or 5 units or less in designated protected rural areas, the aim being to boost housing supply on smaller sites. The application site is not in a designated protected rural area.
6.7.2	Following the decision on 11 May 2016 by the Court of Appeal, the Written Ministerial Statement (WMS) remains a material consideration and is considered relevant policy, though does not override the local development plan, in particular CS11 (Type and Affordability of Housing). The WMS must therefore be considered in the context of the three dimensions of sustainability, namely environmental, social and economic. The WMS is also reflected in National Planning Practice Guidance (NPPG).
6.7.3	The development proposed consists of a combined gross floor space of less than 1000m ² .
6.7.4	Environmental- there are not considered to be environmental consequences directly attributable to the WMS. The WMS does not conflict with the aims of CS5 or in so far as they apply to this proposal.
6.7.5	Social- the WMS and provisions of the NPPG will impact upon the availability of low cost housing generally and there appears to be an accepted need across the County. That said, affordable or not, additional housing will still contribute to the County's housing targets and is still considered a social gain.
6.7.6	Economic- it is considered the WMS will enhance the viability of the scheme and hence provide greater employment to builders involved. The cost of conversion of a heritage asset rather than a new build is an additional financial burden.
6.7.7	Overall and on balance, it is considered that the WMS and the NPPG outweigh the requirements of CS11 and affordable housing obligations are not appropriate.

7.0	CONCLUSION
7.1	Taking all the above main issues together, there is no doubt that the building is in very poor condition structurally and is considered to be beyond realistic economic repair. An adequate marketing exercise has been conducted. Very recent discussion over a period of four months with a local potential purchaser has failed to secure a sale.
7.2	Public benefits of the proposal include putting the site into a viable and sustainable use, and the small contribution to additional housing in the County. New housing has long term social benefits and some economic benefits during construction.
7.3	Taking into account the building's low value as a heritage asset and then applying the requirements of MD13, it is considered that the public benefits of the proposal outweigh the adverse effect (ie the loss of significance of the heritage asset).
7.4	It is considered reasonable to insist that any replacement dwelling is constructed on the same footprint in order to retain the historic linear pattern of development on the road frontage. The replacement should also be designed to reflect the character of the former Swan Public House. Where possible, the loss can be offset by the re-use of materials wherever this is possible.
7.5	Overall the development complies with the relevant provisions of the NPPF, CS5, CS6, CS8, CS17, MD7a, MD12, MD13. Outline planning permission is recommended subject to conditions.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>☐ 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.</p> <p>☐ 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.
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>
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:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS17 - Environmental Networks

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/10/00719 Proposed change of use from public house to single residential dwelling
REC

17/03895/OUT Outline application for a replacement dwelling PDE

SA/74/0096 To Construct New Car Park And Form Vehicular Access PERCON 28th August
1974

SA/92/0590 Removal Of Condition No.6 Attached To Planning Permission 90/783/88/74 To
Use The Former Coach House As A Dwelling REFUSE 29th July 1992

SA/90/0783 Alterations And Additions To Convert Former Coach House To 2 Bedroomed Self
Contained Holiday Accommodation PERCON 30th January 1991

SA/90/0806 Alterations And Additions To Form New Porch, New Lounge Area And New
Outside Toilet, Together With Internal Alterations And Provision Of An Lpg Tank And Extended
Car Park Area PERCON 31st October 1990

SA/91/0890 Removal Of Condition No. 6 Attached To Planning Permission 90/783/88/74 Dated
30th January 1991 To Use The Former Coach House As A Dwelling Unit REFUSE 9th October
1991

SA/89/0070 Erect And Display 2 No. Fascia Boards, 1 No. Pictorial Projecting Sign, 2 No.
Amenity Boards To Be Externally Illuminated By 6 No. Spotlights PERCON 13th April 1989

SA/95/0314 Installation of a 800 gallon G.R.P. septic tank (retrospective). PERCON 24th May
1995

SA/95/0158 Siting of a cesspool. PERCON 27th April 1995

SA/06/1137/F Change of use from public house to single residential dwelling REFUSE 13th
September 2006

Appeal

93/00437/REF Removal Of Condition No.6 Attached To Planning Permission 90/783/88/74 To
Use The Former Coach House As A Dwelling ALLOW 18th May 1993

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 – Historic England Report following application for listing APPENDIX 3 – European Protected Species – Consideration of the three tests

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until details of improvements to the existing access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

5. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to bats 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 bats, a European Protected Species

6. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

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

7. A total of 2 woodcrete artificial nests suitable for house sparrow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

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

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. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

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

10. No burning shall take place in connection with the development hereby approved including during demolition and clearance of the building and site.

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

Informatives

1. Informatives: Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

construct any means of access over the publicly maintained highway (footway or verge) or

carry out any works within the publicly maintained highway, or

authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or

undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from

the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway. 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.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

2. Informative

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

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

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

Informative

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

Informative

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.

Informative

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

Informative

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

3. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

pdf.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes

and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface

water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it

can be demonstrated that infiltration techniques are not achievable.

Appendix 2

Historic England Report following application for listing

Recommendation: Reject

Assessment

CONTEXT & BACKGROUND

Historic England has been asked to assess The Swan Inn (now known as Swan House), Frodesley, Shropshire for listing, prompted by an active planning application for the demolition of the building (17/03895/OUT). The public house (on the ground floor) closed in 2006 and since then two applications to convert it to a dwelling have been refused. The current planning application was due to be determined on 18 October 2017 but the decision was still pending on 23 October. We understand that the decision has been delayed while the owner submits a heritage impact statement, a copy of which was sent to us on 20 October. The heritage impact statement has provided further information for this assessment.

The building is not within a conservation area and there are no listed buildings close by. We have no record of it having been previously assessed for listing.

HISTORY & DETAILS

The earliest part of The Swan Inn appears to date to the early C19 and at least part of it was being used as a beer house in 1841 by resident publican William Durnell. The building is shown on the Ordnance Survey (OS) map of 1882 as a pair of houses. The building was first recorded as The Swan Inn in 1896, at which time it was also recorded in a local newspaper as having been used as a court house. An unverified report states that the pub once formed the central part of the building with grocer and butcher shops to either side, and that it was later consolidated into a single public house on the ground floor with accommodation on the first floor. The remaining pub fittings are of late-C20 date. The Swan Inn ceased to trade as a public house in 2006 and in 2017 the building is known as Swan House.

A former public house of probable early-C19 date, The Swan Inn (now Swan House) is constructed of stone with brick additions and has a rendered façade. The windows are uPVC. It is rectangular on plan with additions to each side and rear, and the west corner projects towards the road. It is of two storeys and has tiled pitched roofs with brick end stacks. The road front is of six bays with the single-bay projecting addition, also of two storeys, to the right. The main façade has two doors and a variation of window openings, some of which may be later insertions in the rendered elevation. There are a variety of C20 additions to the rear of the building and the rear roofslope. There is a modified C19 spine wall at the centre of the building, marking its former arrangement as a pair of houses. The first floor is supported on machine-sawn joists and beams, possibly with steel reinforcement, and there are no known historic fittings in the building. The internal layout of the building has been altered with the removal of room divisions, original stairs and large sections of the rear wall. Comprehensive alterations to the interior took place in the late C20.

DISCUSSION

After examining all the records and other relevant information, and having carefully considered the architectural and historic interest of this building, with specific reference to the general criteria set out in the Principles of Selection for Listing Buildings (DCMS, March 2010), and the relevant Historic England Listing Selection Guides, the criteria for listing are not fulfilled for the following principal reasons:

Architectural interest:

- * The building has no apparent architectural merit that marks it out as other than a typical example of a vernacular building of a broad C19 date;
- * It has no historic pub fittings or other internal features of note;
- * The building does not survive well as a legible C19 public house or as a pair of buildings of early-C19 date.

Historic interest:

- * Although broadly reflective of the traditions of this area, the building does not have any distinctive quality or rarity, nor any known historic associations with figures or events of national note.

Group value:

- * The building does not form a historic group with other buildings of note nor are there any listed buildings nearby.

CONCLUSION

After examining all the available records and other relevant information, and having carefully considered the architectural and historic interest of this case, the criteria for listing are not fulfilled, although it is of some local interest as a former inn.

Appendix 3

Consideration of the 3 Tests Matrix - Ecology

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

17/03895/OUT
Swan House
Frodesley
Dorrington
Shrewsbury
Shropshire
SY5 7HA
Outline application for a replacement dwelling

Date of consideration of three tests:

1st September 2017

Consideration of three tests carried out by:

Nicola Stone
Planning Ecologist

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’?

There are considered to be strong social and economic reasons to support the development which are of overriding public interest

2 Is there ‘no satisfactory alternative’?

There is not considered to be a satisfactory alternative- the replacement dwelling can only be constructed on the same site and it would not be appropriate to construct a new dwelling whilst also retaining the existing building.

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 Ecological Assessment prepared by Churton Ecology (August 2017).

A daytime building inspection and general protected species walkover of the site and surrounds was carried out on 29/6/17. This identified evidence of four small Pipistrelle bat roosts associated with loose cladding on two dormer windows.

Subsequent dusk emergence and dawn re-entry surveys were undertaken on 5/7/17 and 4/8/17 (respectively). These identified a single Soprano Pipistrelle bat using two of the four roost sites identified during the daytime inspection survey. Given their proximity to one other it is highly likely that the four roost sites will be used by the same bat on rotation - influenced by changing environmental factors. The roost is considered to be of low conservation significance.

Works have the potential to disturb, injure and potentially kill a single - or small number of bats - and the roost sites will be destroyed. Therefore, the development of the building must be carried

out under a European Protected Species Mitigation Licence.

Mitigation will ensure that impacts are minimised by carrying out all sensitive works under bat worker supervision. Manual dismantling of the roost/s will be required prior to full mechanical demolition. This can be carried out at any time of year.

To compensate the loss of the roost a single Schwegler 1FR bat tube will be integrated into the wall masonry in a suitable location on a south-east facing elevation of the new building. The location of this will be specified within the licence application.

The proposed development will not be detrimental to the maintenance of the population of bat species recorded at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Nicola Stone to Frank Whitley dated 1st September 2017 are on the decision notice and are appropriately enforced:

1. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to bats 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 bats, a European Protected Species

2. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

3. 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.

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.

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Committee and date

Central Planning Committee

12 April 2018

Item

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Public

Development Management Report

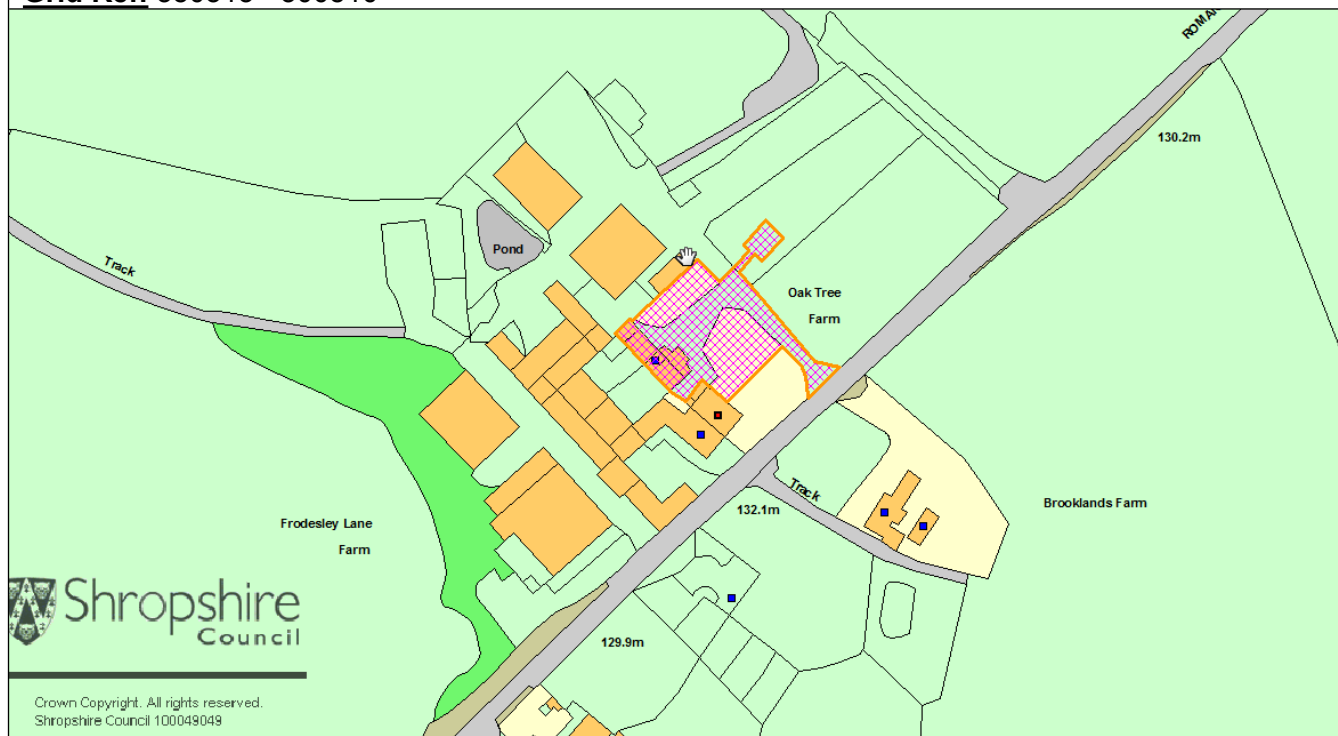
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 18/00730/VAR	<u>Parish:</u>	Frodesley
<u>Proposal:</u> Variation of Condition No. 2 (approved plans) attached to Planning Permission 14/01989/FUL dated 28 July 2014 to allow for the porch area to be extended and closed in providing additional storage space		
<u>Site Address:</u> Oak Tree Farm Frodesley Shrewsbury Shropshire SY5 7QG		
<u>Applicant:</u> Mr Edward Potter		
<u>Case Officer:</u> Aileen Parry	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 350313 - 300510



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks to vary condition 2 (approved plans) of planning permission 14/01989/FUL in order to allow for the porch area to be extended and closed in providing additional storage space.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Oak Tree farm is located on the Frodesley Road which runs between Longnor Village and Frodesley Village. The barn is a single traditional agricultural building which forms part of the farmstead associated with Oak Tree Farmhouse, an unlisted red brick building.
- 2.2 The farmstead has been identified and classified by the Councils Historic Farmsteads Characterisation Project and would be considered to have local heritage value as a traditional farm complex from the 19th Century.

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 applicant is an elected member of the Council and therefore the application must be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

Drainage

No objection. Informative recommended.

Conservation (Historic Environment)

No objection. Conditions recommended.

- 4.2 -Acton Burnell Parish Council

The Parish Council supports this application.

- 4.3 - Public Comments

A site notice was placed by officers on 28.02.18. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Background

Principle of development

Design, Scale and Character

Impact on Amenity

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 Planning permission was previously granted for the conversion of a traditional agricultural barn into a kitchen area with associated storage space and a meeting room for an expanding business at Oak Tree Farm under planning reference 14/01989/FUL dated 28.07.14.

6.2 Principle of development

- 6.2.1 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.

- 6.2.2 The principle of development has already been established by the granting of the existing 2014 planning permission – planning reference 14/01989/FUL. The current application seeks to vary condition 2 (approved plans) of planning permission reference 14/01989/FUL in order to allow for the porch area to be extended and closed in providing additional storage space.

- 6.2.3 The principle of the alterations to the dwelling has been established through the extant planning permission 14/01989/FUL.

6.3 Design, Scale and Character

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, 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 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.
- 6.3.5 The changes proposed to the approved plans include:
- ② An increase in depth to the porch to 4.5 metres
 - ② Porch to be enclosed to provide additional storage space
 - ② Addition of a double door to the porch front (north east) elevation and single door to side (south east) elevation.
- 6.3.6 Officers have consulted the Councils Conservation officer who has assessed the amendments proposed and has stated that the application proposes the closing-in and further extension of an approved extended open porch feature. The proposed form of the extended range is reflective of the linear form of this range of barns and would be finished in horizontal board; it is now proposed to be enclosed for storage purposes but still also used as an entrance point. Given the simple agricultural form and proposed finishes of the extended feature there will likely be no further significant impact on the character of this traditional barn range although it would be preferable that the ridge height of the entire extended range was lowered and more subordinate to the main existing range to minimize its potential visual dominance. It would be appropriate for external finishes to be conditioned for agreement and joinery should reflect that on the rest of the building.
- 6.3.7 Officers therefore consider that the proposal meets the relevant criteria within the NPPF, CS6, CS17, MD2 and MD13 and is therefore acceptable in principle.
- 6.3.8 In addition, it is considered necessary for the conditions included in the original permission to be applied to this variation of conditions application if planning permission is granted.

6.4 Impact on Amenity

- 6.4.1 Core Strategy CS6 indicates that development should safeguard the residential and local amenity.
- 6.4.2 Officers note that Acton Burnell Parish Council supports this application and at the time of writing this report no public comments have been received.
- 6.4.3 Officers consider that the proposed scale, design and appearance of the proposal will respect the existing character of the farmstead and will not result in any adverse visual impact in or on the locality. It is felt that the proposal will be sympathetic to the existing character of the barn and farm house, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. It is considered that the proposal will not result in the significant loss of amenity area to the farmstead and locality.

7.0 **CONCLUSION**

Officers consider that the proposed scale, design and appearance of the proposal will respect the existing character of the barn and farmstead and will not result in a detrimental visual impact or cause any detrimental impact in or on the locality. Recommend that planning permission is granted.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 Risk Management

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

- ⑦ 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.
- ⑦ 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 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD13 - Historic Environment

Relevant Planning History:

12/03777/AGR Prior notification of two replacement agricultural buildings GRANT 18th September 2012

HEPRE/14/00050 Conversion of farm building to provide facilities for catering business

NOOBJC 5th March 2014

14/01989/FUL Conversion of a traditional agricultural barn into a kitchen area with associated storage space and meeting room GRANT 28th July 2014

14/03971/DIS Proposed discharge of conditions 3. (Materials) 4. (Windows _ Doors) 5. (Landscaping) 6.(Solar Panels) 7.(Enclosures) 8.(Drainage) 9.(Foul Water Drainage) 15.(External Finishes) 17.(External Lighting) for application 14/01989/FUL conversion of a traditional agricultural barn into a kitchen area with associated storage space and meeting room

Condition Number(s): 3, 4, 5, 6, 8, 15 and 17

Conditions(s) Removal:

This application is for the discharge of the pre-commencement conditions. DISPAR 18th November 2014

14/05363/AGR Proposed agricultural storage building PNR 19th December 2014

PREAPP/16/00113 Proposed affordable dwelling PREAIP 31st March 2016

SC/CC1993/AG03 Proposed general purpose storage farm building NOOBJC 6th August 1993

SC/CC2000/0031 Erection of a lean-to general purpose agricultural building PERMIT 22nd December 2000

11. ADDITIONAL INFORMATIONView 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 1

Conditions

STANDARD CONDITION(S)

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

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

2. Condition 2 of planning permission reference number 14/01989/FUL is hereby varied to read:

The development shall be carried out in accordance with drawings referenced 2405- 001 Rev A and 2405-003 received on 12 February 2018.

Reason: In the interest of amenity and to ensure a satisfactory form of development.

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

3. Prior to installation of relevant parts of the works hereby approved precise details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings.

Reason: To safeguard the architectural and historic interest and character of the Building.

4. Prior to their installation, details of any solar PV panels to be installed on the building shall be submitted to and approved in writing by the local planning authority. The panels shall thereafter be retained as agreed.

Reason: In the interests of visual amenity.

5. Prior to the occupation of any buildings on site details of all walls, fences and hedges shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

6. Before the relevant part of works commence details of the proposed external finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

7. The external materials shall match those of the existing building and there shall be no variation.

Reason: To ensure that the works harmonise with the existing traditional farm complex.

8. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Building.

9. The roof windows to be used in the development hereby approved shall be of the traditional low profile style and shall permanently be retained as such.

Reason: To safeguard the architectural and historic interest and character of the traditional farm complex.

10. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the traditional farm complex.

11. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirtings, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Building.

12. If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure archaeological and architectural features are recorded during development.

13. A total of 1 woodcrete artificial nests suitable for small birds such sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

14. The development hereby permitted shall only be used as an integral part and incidental to the business operating from the existing dwelling and shall not at any time be sold, let or occupied as a separate commercial unit.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

Informatives

1. Drainage
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 driveway, parking area/ paved area

Attenuation

Greywater recycling system

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

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

2. Great Crested Newts
Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

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

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

4. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
5. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.



Committee and date

Central Planning Committee

12 April 2018

Item

10

Public

Development Management Report

Responsible Officer: Tim Rogers

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

LPA reference	17/01873/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Roy Emberton
Proposal	Erection of a detached dwelling and creation of new vehicular access following demolition of existing workshop
Location	Proposed Dwelling South Of Birch Tree Cottage Chavel Ford Shrewsbury
Date of application	24.04.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	06.06.2017
Date of appeal	05.12.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	17/03807/FUL
Appeal against	Appeal Against Refusal
Appellant	Cardtronics UK Ltd, Trading As CASHZONE
Proposal	Installation of an ATM to front elevation
Location	Parveen Balti 36 Wyle Cop Shrewsbury
Date of application	02.08.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	16.10.2017
Date of appeal	22.11.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	17/03808/ADV
Appeal against	Appeal Against Advertisement Consent
Appellant	Cardtronics UK Ltd, Trading As CASHZONE
Proposal	Installation of illuminated signage in connection with installation of ATM to front elevation
Location	Parveen Balti 36 Wyle Cop Shrewsbury
Date of application	02.08.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	16.10.2017
Date of appeal	22.11.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	17/03903/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr K Bhamra
Proposal	Outline application (access for consideration) for the erection of one dwelling
Location	Brooklands Uffington Shrewsbury
Date of application	15.08.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	30.10.2017
Date of appeal	18.01.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	17/02677/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Neil Maybury
Proposal	Conversion of existing 1.5 storey outbuilding to form 2 storey, low impact timber framed holiday let accommodation.
Location	Proposed Holiday Let Accommodation At Sheinwood Sheinton Shrewsbury
Date of application	09.06.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	17.08.2017
Date of appeal	11.12.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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