



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

Date: Wednesday, 30 May 2018

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 7 June 2018

**Time:** 2.00 pm

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

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

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

**Members of the Committee**

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

**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](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## **1 Election of Chairman**

To elect a Chairman for the ensuing year.

## **2 Apologies for absence**

To receive apologies for absence.

## **3 Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the ensuing year.

## **4 Minutes (Pages 1 - 6)**

To confirm the Minutes of the meeting of the Central Planning Committee held on 10<sup>th</sup> May 2018.

Contact Shelley Davies on 01743 257718.

## **5 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 Wednesday, 6<sup>th</sup> June 2018.

## **6 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.

## **7 Former Railway Land Off Washford Road, Shrewsbury, SY3 9HR (18/00268/FUL) (Pages 7 - 36)**

The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description)

## **8 4 Weir Road, Hanwood, Shrewsbury, Shropshire, SY5 8JZ (18/02032/HHE) (Pages 37 - 44)**

Erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves

## **9 Schedule of Appeals and Appeal Decisions (Pages 45 - 66)**

## **10 Date of the Next Meeting**

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 5<sup>th</sup> July 2018 in the Shrewsbury Room, Shirehall.



## Committee and Date

Central Planning Committee

7<sup>th</sup> June 2018

## **CENTRAL PLANNING COMMITTEE**

### **Minutes of the meeting held on 10 May 2018**

**2.00 - 3.37 pm in the Shrewsbury/Oswestry 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 Nat Green (Vice Chairman), Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts and David Vasmer

### **129 Apologies for absence**

The Chairman announced that Councillor Dean Carroll was no longer a Member of Central Planning Committee.

### **130 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 12<sup>th</sup> April 2018 be approved as a correct record and signed by the Chairman.

### **131 Public Question Time**

There were no public questions or petitions received.

### **132 Disclosable Pecuniary Interests**

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

With reference to planning application 17/04609/EIA Forge Farm, Upton Magna, Shrewsbury, Councillor Kevin Pardy stated that he had pre-determined the application and therefore he would leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning application 17/04609/EIA Forge Farm, Upton Magna, Shrewsbury, Councillor Ed Potter stated that the applicant was known to him through his business and therefore he would leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning applications to be considered at this meeting, Councillors Nat Green, Keith Roberts and Alex Phillips stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

### **133 Former Railway Land Off Washford Road, Shrewsbury - 18/00268/FUL**

The Technical Specialist Planning Officer introduced the application for the demolition of existing industrial units and construction of 7 dwellings with associated parking and access (amended description) 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 Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from the agent on behalf of the applicant and referred to a typographical error in regards to the numbering of the conditions which would be corrected if Members were minded to approve the application.

Mrs Susan Luther, on behalf of Meole Village Residents Association and other residents 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 Nic Laurens 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:

- He noted that given the highways situation in the area he cannot believe that a desktop only exercise had been undertaken;
- He noted that the turning area was inadequate for emergency vehicles;
- He explained that the situation in the evening regarding on-street parking would be very different to how the Committee would have viewed it today during the site visit; and
- He requested that the application be deferred to allow the opportunity for a proper highways assessment.

Mr Nick Barker, 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 concerns raised by Members in relation to the highways assessment, the Technical Specialist Planning Officer explained that the issue had been considered in great depth by the Highways Manager but he was unable to confirm if an on-site assessment had taken place.

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 deferred to a future meeting for further highways consideration to include the effect of the increase in number of properties and traffic flows resulting from that, the internal road layout, number and position of the accesses and the effect of this on traffic flows and safety and access for emergency vehicles.

**RESOLVED:**

That consideration of the application be deferred to a future meeting of this Committee for further highways consideration.

**134 117 Wenlock Road, Shrewsbury - 17/06053/FUL**

*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 Technical Specialist Planning Officer introduced the application for the erection of 2 detached bungalows; formation of vehicular access 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 Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from the Case Officer in relation to a temporary Tree Preservation Order in respect of 2 Copper Beech trees to the rear of 115 Wenlock Road and advised Members that if they were minded to approve the application the decision notice should include reference to the Tree Preservation Order by way of an informative. Additionally the Technical Specialist Planning Officer noted that the reason for condition 12 had been omitted from the Officers' report and he advised Members that if they were minded to approve the application the reason required inclusion.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the Officer's recommendation subject an informative being added to the decision notice in relation to the Tree Preservation Order as detailed in the Scheduled of Additional Letters and the inclusion of the reason for condition 12.

**RESOLVED:**

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

- The Conditions as set out in Appendix 1;
- An informative being added to the decision notice in relation to the Tree Preservation Order as detailed in the Scheduled of Additional Letters; and
- The inclusion of the reason for condition 12.

**135 Forge Farm, Upton Magna, Shrewsbury - 17/04609/EIA**

*In line with their declarations at Minute 132 Councillors Kevin Pardy and Ed Potter left the room, did not take part in the debate and did not vote on this application.*

The Principal Planning Officer introduced the application for an extension to Forge Farm Poultry Unit to include two poultry buildings and associated infrastructure and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. It was added by the Principal Planning Officer that the proposed HGV route was noted during the site visit.

The Principal Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from the Shropshire Area of the Ramblers and Shropshire Council Public Right of Way and advised that if Members were minded to approve the application an informative be added to the decision notice issued reminding the applicants with regards to the need to ensure that the public right of way remains open at all times and free of obstruction.

Mrs Karen Smith-Wells, on behalf of Upton Magna 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 Lezley Picton 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 her statement, a number of points were raised including the following:

- She considered that the Public Right of Way should be re-routed during the construction process;
- She queried the number of birds to be on site as the Officers' report contained two different figures;
- The routing agreement had not been previously discussed with the Parish Council as stated by the Principal Planning Officer; and
- She stated that the application should be deferred until the ammonia mitigation had been approved.

Mr Stuart Thomas, 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 comments, the Principal Planning Officer explained that condition 10 referred to the number of birds on site and stated that there were no issues regarding ammonia output at the site. He noted that he had been led to believe that the HGV routing plan had been discussed with the Parish Council. It was added by the Principal Planning Officer that he did not consider a condition regarding to the routing of HGVs to be necessary and following advice from the Solicitor suggested that if Members' were concerned in relation to this issue a S106 legal agreement would be a more appropriate solution. The Agent for the applicant indicated that the applicant would be happy to enter into an s106 legal agreement in relation to this matter.

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 applicants entering into a s106 legal agreement in relation to the routing plan for HGV movements and an informative being added to the decision notice in relation to the Public Right of Way as detailed in the Scheduled of Additional Letters.

**RESOLVED:**

That delegated powers be granted to the Head of Planning Services to grant planning permission, subject to:

- The conditions as outlined in Appendix 1 and any modifications to these conditions as considered necessary by the Head of Planning Services;
- The applicants entering into a s106 legal agreement in relation to the routing plan for HGV movements; and
- An informative being added to the decision notice in relation to the Public Right of Way as detailed in the Scheduled of Additional Letters.

**136 1 Nursery House, Corporation Lane, Shrewsbury - 18/00969/FUL**

*Councillor Nat Green 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 application for the erection of a single storey extension to rear of the property including incorporation of some existing workshop area and new living space.

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

**RESOLVED:**

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

**137 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, 7<sup>th</sup> June 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....





<u>Committee and date</u>
Central Planning Committee
7 June 2018

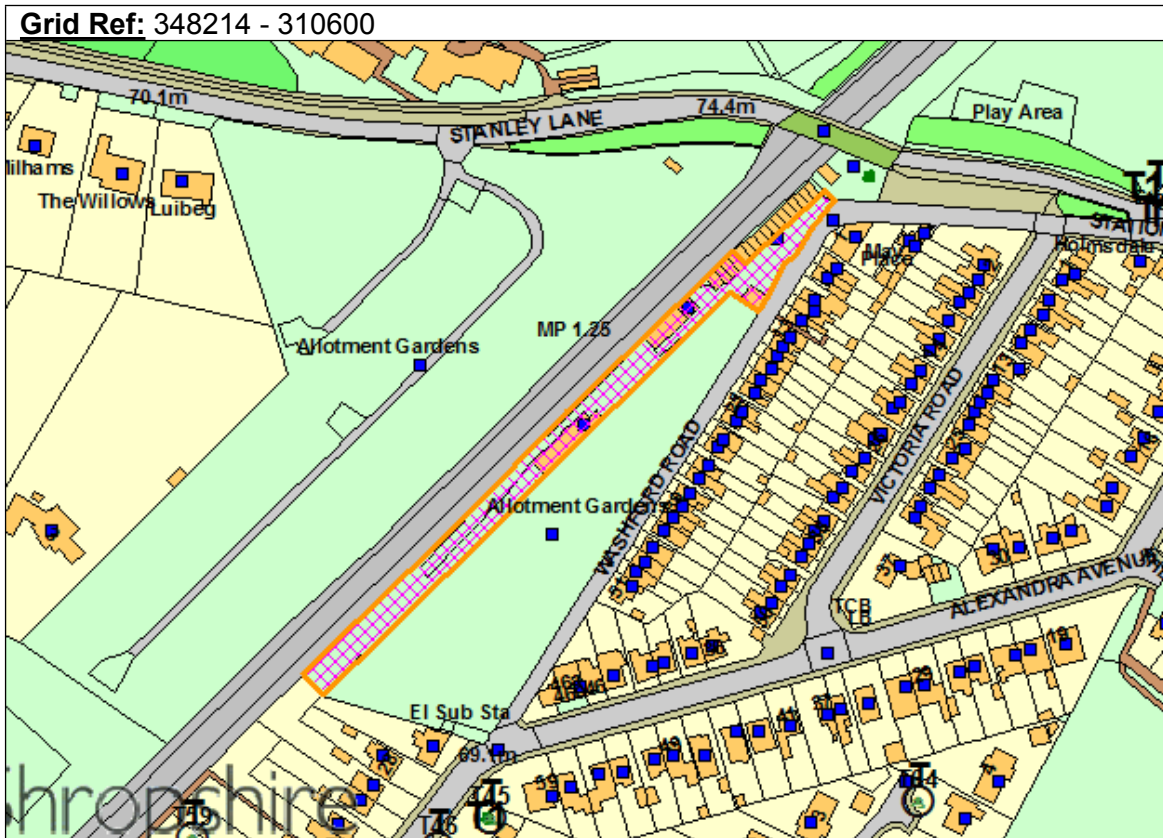
<u>Item</u>
<b>7</b>
Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 18/00268/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description)		
<b>Site Address:</b> Former Railway Land Off Washford Road Shrewsbury SY3 9HR		
<b>Applicant:</b> Walnut Squared Ltd.		
<b>Case Officer:</b> Frank Whitley	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	



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

### **UPDATE FOR 7 JUNE PLANNING COMMITTEE**

The application was previously deferred by Members for further consideration due to Highways concerns. Since then, the Highways Development Control Officer has reviewed the application and previous remarks. Further consultation comments in relation to Highways are expected for Members on 7 June. In the meantime, the report presented to Members on 10 May remains as below.

Recommended Reason for Approval

### **REPORT**

1.0	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the demolition of existing industrial units and construction of 7No. dwellings with associated parking and access (amended description)
1.2	The application follows permission granted in outline for an indicative scheme of 6 dwellings under ref 16/01561/OUT (including matters of access only) dated 24 October 2016. Previous to this, similar outline planning permission was granted in 2012 under ref 12/04866/OUT, though that permission lapsed. An earlier outline scheme in 2011 was refused by Shropshire Council under the then recently adopted Core Strategy. The appeal was dismissed though for reason of lack of affordable housing provision only.
1.3	The proposed development seeks full planning permission. The development is to comprise 7No dwellings set out in a linear arrangement using the full length of the site. Plots 6 and 7 are to be semi-detached side by side at the far end of the site thus forming a single block. Plots 2/3 and 4/5 are semi-detached end to end. Plot 1 at the near end is the only detached dwelling. All are 3 bedroomed, 2 storey except for Plots 6 and 7 which each have 4 bedrooms over 3 storeys.
1.4	Each dwelling is to have 2 x dedicated parking spaces. 7 visitor spaces are spread across the site.
1.5	A second point of access is to be formed on Washford Road. The existing access on the corner of Station Road is to be retained.

2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is a narrow strip of land between the railway line and allotments immediately to the west of Washford Road. There are more allotments to the west of the railway line.
2.2	The site measures approx. 225m long and ranges approx. between 9.6m and 10.5m wide.
2.3	The site is bounded on the west side by a palisade metal fence on the edge of Network Rail land, and on the east by a combination of hedgerow and timber panel fence. Large sections are missing or broken.
2.4	The site was formerly a builders' yard though is now used in connection with a marquee business. The site also contains modern workshops and lock-up garages. All buildings except the existing garages between the two access points are to be demolished.
2.5	The site is on the western edge of Meole Brace Conservation Area, which is characterised in particular by the attractive traditional red brick terraced cottages of Washford Road.
3.0	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution. At the request of the locally elected member, the Area Planning Manager and Chair of the Central Planning Committee have decided that the application should be decided by elected Members.
4.0	<b>Community Representations</b>
	<b>Consultee Comments</b>
4.1	<b>Shrewsbury Town Council- support</b> Commenter Type: Parish Council Stance: Customer made comments in support of the Planning Application Comment Reasons: Comment: The Town Council supports this application and welcomed the opportunity to discuss the plans with the architect at their recent Planning Committee meeting.
4.2	<b>Highways- no objection subject to conditions and informatives</b>
	<b>For reference, initial comments are set out here in relation to the 8 dwelling scheme as first proposed.</b>  The application is seeking consent for the erection of 8 dwellings on land that was previously used as a builder's yard and associated storage. The site also has an extant permission for the erection of 6 dwellings under reference 16/01651/OUT. The principle of residential redevelopment of the site having been previously secured on appeal. Whilst it is noted that the current application is proposing an increase in the number

of residential units by 2 from the earlier approval, a residential use balanced against the existing business use is considered to potentially provide a benefit in the change in the type of vehicle generated thereto and not considered to be a sustainable highway ground upon which to base an objection. The proposed access arrangement as shown on the Site Plan (Drawing No. WAS-519-XX-00-DR-A-PL003) does however raise highway concerns.

It is noted that the access arrangement is proposing an in/out arrangement. The proposed vehicle circulation is not enforceable, with no physical measures to control the movement of vehicles. The sensitive nature of the on-street parking demand on Washford Road in association with the terrace properties is likely to result in vehicles parking opposite the new access point. It is considered that vehicles will not be able to easily turn right into the site as proposed given the proposed design of the new access and the possibility of on-street parking.

It is considered therefore that the existing access into the site should remain as the sole access into and out of the site. The width and alignment of the access should be improved to enable a more efficient entry and exit of vehicles. The Site Plan is rather schematic and lacks clarity, the edge of carriageway has not been detailed, and the position of a light column and road name plate has been omitted. The improvement to the width of the access could require the relocation of the light column, which can be more easily determined on the submission of a more detailed/surveyed site plan.

It is noted that a bin collection point has been proposed. The retention of boundary hedge, however, prevents easy/direct access for the roadside collection.

#### **Further comments received following amended scheme (7No dwellings).**

##### **No objection**

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

The application is now seeking consent for the erection of 7 dwellings on land that was previously used as a builder's yard and associated storage. The site also has an extant permission for the erection of 6 dwellings under reference 16/01651/OUT. The principle of residential redevelopment of the site has been secured on appeal. Further to the Highway Advice Note dated 28.02.2018 a revised Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A PL003 has been submitted with supporting correspondence. The number of proposed residential units has now been reduced and flow plates included in the new access design to control vehicle circulation to and from the site.

The revised details and access arrangements have been further reviewed and in consultation with Shropshire Council's Highways Development Control Area Manager.

The formation of a new satisfactory access point to serve the site is not considered likely to lead to a highway safety concern in this location to insist upon the site being served by a single access point. The provision of flow plates within the new access will control vehicle circulation but not considered to be an ideal solution introducing maintenance and potential noise disturbance liabilities.

The retention of the existing access at the northern extremity of the site in combination with a new access without flow direction restrictions would enable vehicles to enter and leave the site from either of the two access points. Vehicles that could egress from the proposed new access, are restricted to one way flow in a

	<p>southerly direction along Washford Road. This circulation of vehicles via the site will replicate the traffic flow along Washford Road and provide an alternative exit route to Station Road where the demand for on street parking at can limit the effective carriageway width to one lane accommodating two way traffic movements.</p> <p>The new access arrangement as currently proposed however raises concerns. The new access should be unrestricted and satisfactorily laid out in width, radii and include the provision of a visibility splay in a north easterly direction along Washford Road. It is also noted that the bin collection pint continues to be retained behind the boundary hedge. The setting back of the boundary hedge to provide the required visibility splay would resolve this matter too for roadside collection requirements. It is, considered that these amendments can be covered under an appropriate planning condition.</p> <p>Subject to the following conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection: -</p>
4.3	<p><b>Conservation- no objection subject to conditions</b></p>
	<p><b>For reference, initial comments are set out here in relation to the 8 dwelling scheme as first proposed.</b></p> <p>I would refer you to earlier comments we have provided on previous proposals affecting the application site, which comprises a long narrow strip of land running along the railway tracks to the north-west of Washford Road, and which is fully within the Meole Brace Conservation Area boundaries. Residential redevelopment of this site was granted permission under Outline application 16/01651/OUT and the indicative layout associated with that proposal comprised 6 dwelling units of a generally traditional design sited in a linear position within the site.</p> <p>A new full planning application has now been submitted proposing a much more contemporary approach for residential development within this site, however some aspects such as the linear siting of the proposed dwellings, given the configuration of the property, remain similar to the previous proposal. The current application is supported by a relatively extensive analysis of the site and the context and built form of the immediate and wider neighbourhood, with the proposed scheme consisting of a linear series of contemporary cubic buildings spread through the length of the entire site. The form and contemporary design of the development proposed is considered to respond well to the property's trackside context and linear nature, and with further site enhancements in terms of appropriate boundary treatments and landscaping, and architectural detailing, external materials and finishes which visually reflect those of the more traditional dwellings nearby, then provided a very high quality of building is implemented here, the proposal in principle may not necessarily be unacceptable on this site. This view is not dissimilar to the comments submitted by the Civic Society on this scheme.</p> <p>Over-development of this narrow site however should be avoided, and as submitted in its present form the application is considered to comprise too many units, and particularly the taller three storey element to the westerly end of the site appears out of context and unnecessarily squeezed in and potentially dominant within the area, and as submitted, the application is not considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where having regard to protecting and enhancing the character and appearance of the</p>

	<p>Conservation Area is required.</p> <p>It is apparent that there is significant local opposition to this application and a wider discussion and further assessment of the scheme considering these views is suggested.</p> <p><b>Further comments received following amended scheme (7No dwellings).</b></p> <p>I would refer you to our earlier comments for background. In response to our concerns over the number of units and extent and scale of new buildings being introduced to this long narrow site, the applicant has reduced the number of units to seven and has removed a storey from one of the three storey units; as a result the overall amenity area on the site has been increased and the gaps between the buildings are more generous. There is also now a more consistent visual pattern to the rooflines with the taller element being limited to the westerly-most building which is sited at the widest distance from Washford Road and which adds some visual interest to the row of buildings. To reduce visual clutter the top storeys should remain lightweight in material, scale and design, and the rooftops of all the buildings should remain free of additional external services, pipework and other equipment that could disrupt the otherwise clean contemporary design of the scheme.</p> <p>As revised the application is considered to satisfactorily accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where having regard to protecting and enhancing the character and appearance of the Conservation Area is required, subject to the inclusion of strict conditions in order to agree external materials and finishes, finer architectural detailing, window and door details, landscaping and boundary treatments and surface materials.</p>
4.4	<b>Ecology- no objection subject to conditions and informatives</b>
4.5	<b>Shropshire Fire and Rescue- no objection informatives only</b>
4.6	<b>Network Rail- no comments received</b>
	<p><b>Though no comments have been received to this application, the following was received in relation to the previous outline consent ref 16/01561/OUT and is still considered relevant to the application</b></p> <p>Thank you for your email dated 29th September, together with the opportunity to comment on this proposal.</p> <p>Whilst there is no objection in principle to this proposal, Network Rail have a defined access point to the railway these must be maintained to Network Rails satisfaction, we also currently park a vehicle with the permission of the current landowner.</p> <p>Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.</p>

**FOUNDATIONS**

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rails support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

**DRAINAGE**

All surface water drainage should be directed away from Network Rails land to the public mains system. Soakaways are not acceptable where the following apply:

- ☐ Where excavations which could undermine Network Rails structural support zone or adversely affect the bearing capacity of the ground
- ☐ Where there is any risk of accidents or other acts leading to potential pollution of Network Rails property/infrastructure
- ☐ Where the works could adversely affect the water table in the vicinity of Network Rails structures or earthworks.

**GROUND DISTURBANCE**

The works involve disturbing the ground on or adjacent to Network Rails land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rails ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

**FENCING**

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rails boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed.

**SITE LAYOUT**

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishments guidelines.

**PILING**

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

**EXCAVATIONS/EARTHWORKS**

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rails advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

#### SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

#### PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and



	<p>any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.</p> <p><b>METHOD STATEMENTS/FAIL SAFE/POSSESSIONS</b>          Method statements may be required to be submitted to Network Rails Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e possession which must be booked via Network Rails Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.</p> <p>In order to mitigate the risks detailed above, the Developer should contact the Network Rails Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is <a href="mailto:assetprotectionwales@networkrail.co.uk">assetprotectionwales@networkrail.co.uk</a>. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.</p>
<p>4.7</p>	<p><b>Archaeology- no objection</b></p>
	<p>We have no comments to make on this application with respect to archaeological matters.</p>
<p>4.8</p>	<p><b>Regulatory Services- no objection subject to conditions for noise and contamination</b></p>
	<p>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 Agencys 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.</p> <p>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.</p> <p>c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.</p>

	<p>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.</p> <p>e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:  <a href="http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf">http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf</a></p> <p>A noise assessment shall be submitted to establish the current noise climate in terms of dB LAeq at day and night and dB LAm<sub>ax</sub> during day and night. Where necessary mitigation shall be proposed which meets as a minimum 30dB LAeq and 45dB LAm<sub>ax</sub> in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces. Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.</p>
4.9	<b>SUDS- no objection subject to conditions and informatives</b>
	<p>No development shall take place until a scheme of the 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.</p>
4.10	<b>Affordable Housing- no objection</b>
	<p>If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance</p>
4.11	<b>Public Comments</b>

4.11.1	<p><b>One representation of support has been received:</b></p> <p>I personally feel that these houses would be an asset to the community as long as they are done tastefully. They would attract new people to Shropshire who I am sure would become valued members of the area. I would gladly welcome them.</p>
4.11.2	<p><b>One neutral representation has been received from Meole Brace Garden and Allotment Club</b></p> <p>I am Chair of Meole Brace Garden &amp; Allotment Club which manages an allotment site, owned by the Town Council, adjoining the proposed development. Some of our members have already lodged their individual objections to the proposal. The committee would like some reassurance that the boundary fence/hedge between the two sites which is currently pretty dilapidated will be properly and fittingly reinstated when/if the development takes place. Nobody seems to know who has responsibility for this boundary and it would seem a good opportunity to have the matter clarified. Our view is that it is the responsibility of the owner of the land between our site and the railway. There is a 'de facto' admission of this in that the land owner erected the (now partly fallen down) fence in recent years.</p> <p>Our Committee does not meet again until the 5th March which is technically outside the consultation period. I would request that we be allowed to submit an agreed representation and possibly an objection (I would not want to second guess the outcome of our discussion) shortly after the 5th March.</p> <p><b>Case Officer note- no further comments received from this Club</b></p>
4.11.3	<p><b>Shrewsbury Civic Society- objection</b></p> <ul style="list-style-type: none"> <li>☒ Agree with principle of housing</li> <li>☒ Contemporary designs both admired and hated by different members</li> <li>☒ No similar buildings in locality</li> <li>☒ Sufficient screening and hedges could provide harmony with local environment</li> <li>☒ Access issues</li> <li>☒ No charging points for cars</li> </ul>
4.11.4	<p><b>Meole Village Residents Association- objection</b></p> <ul style="list-style-type: none"> <li>☒ Exceeds number previously proposed in outline application</li> <li>☒ No strong local demand</li> <li>☒ No consultation with local residents on design</li> <li>☒ Planning authorities already aware of access and traffic issues</li> <li>☒ Do not enhance local distinctiveness</li> <li>☒ External flat roof style appalling</li> <li>☒ Design does not meet necessary standards locally</li> <li>☒ Design conflicts with MD2</li> <li>☒ Conflicts with requirements of Conservation Area appraisal</li> <li>☒ Station Road is narrow with parked cars and is dropping odd point for hairdresser's and podiatrist's</li> <li>☒ Access difficulties due to position of surrounding roads</li> <li>☒ Acknowledge brown field and local plan allows some sort of development, but only with support of residents</li> <li>☒ Objection is on design and numbers</li> </ul>

	<p>☒ Invitation to planning department to local meeting</p>
4.11.5	<p><b>An objection petition</b> with 19 signatures from residents of Washford Road has been received in relation to:  <i>We the undersigned object strongly to the development of the old railway yard on old Washford Road because we believe that eight houses are too many and that the design is totally out of keeping with the Conservation Area.</i></p>
4.11.6	<p><b>Objection from Shropshire Wildlife Trust</b>          Question the wisdom of proposed access and loss of established hedgerow          If minded to grant permission condition should be imposed to appoint Ecological Clerk of Works</p>
4.11.7	<p><b>36 individual objections have been received on the following grounds:</b></p> <ul style="list-style-type: none"> <li>☒ Will lead to additional traffic and larger modern vehicles</li> <li>☒ Possible contamination on the site</li> <li>☒ Still being used for business and is not a redundant site</li> <li>☒ Loss of roadside hedge</li> <li>☒ Not sympathetic to Meole Brace or Conservation Area</li> <li>☒ Increase in number from six to eight dwellings</li> <li>☒ Station Road and Access is narrow and will lead to refuse/recycling collection problems</li> <li>☒ Loss of light to allotments thus harm to growing potential</li> <li>☒ Impact to wildlife</li> <li>☒ Other developments in Shrewsbury cater for housing need of this size</li> <li>☒ Site woefully too narrow for housing close to railway line</li> <li>☒ Noise and vibration from trains</li> <li>☒ Absence of windows facing railway is ridiculous and is an abomination and ugly design</li> <li>☒ Amazed site is even being considered</li> <li>☒ Turning circle too narrow at access to Washford Road</li> <li>☒ Meole Village is known for being a quaint Victorian village that doesn't need new builds</li> <li>☒ Highway too narrow</li> <li>☒ Representation refers to stuck refuse collection lorry in a previous objection to earlier scheme</li> <li>☒ HGVs cause chaos in Station and Washford Roads</li> <li>☒ Pedestrian, children and cyclists safety especially during school times</li> <li>☒ Proposal is an eyesore and shocking</li> <li>☒ Impact to peoples' lives</li> <li>☒ Loss of view</li> <li>☒ External flat roof is appalling</li> <li>☒ Risk of crime if left empty</li> <li>☒ Insufficient schools and doctors</li> <li>☒ Should stay a business use</li> <li>☒ Increase in vehicle movements</li> <li>☒ Concerns about boundary treatment</li> <li>☒ Does not enhance local distinctiveness</li> <li>☒ No affordable housing provision</li> </ul>

	<ul style="list-style-type: none"> <li>❑ Loss of sense of space and rural aspect</li> <li>❑ Threat over long term to allotments</li> <li>❑ Loss of view south from railway line bridge</li> <li>❑ Spurious connections to architectural development of Meole Village and to railway line</li> <li>❑ Safety concerns for emergency vehicles</li> <li>❑ Permanent damage to the panoramic view from almost the entire length of Stanley Lane. This is a prized view from one of the main entrances to the village</li> <li>❑ Closest relative (of design) would be a container terminal</li> <li>❑ Bland modernisation in unsuitable space</li> <li>❑ Too high and risk of upwards extension</li> <li>❑ Alien feature in Conservation Area</li> </ul>
5.0	<b>THE MAIN ISSUES</b>
	<p>Principle of development  Siting, scale and design  Impact to the character and setting of Meole Brace and the Conservation Area  Visual Impact and Landscaping  Highways and Access  Ecology  Residential Amenity</p>
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b>Principle of development</b>
6.1.1	The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.1.2	The NPPF states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
6.1.3	The provision of housing within the urban area of Shrewsbury accords in principle with the adopted SAMDev Plan S16. Core Strategy CS2 and MD1 identifies Shrewsbury as the primary focus for housing development for Shropshire.
6.1.4	S16.1 states that Shrewsbury will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point, providing approximately 6,500 dwellings and 90 hectares of employment land during the period 2006-2026.
6.1.5	CS2 also seeks to make the best use of previously developed land
6.1.6	Planning permission has also been granted in outline for an indicative scheme (with matters of access included) for 6 dwellings ref 16/01651/OUT granted on 24 October 2016. Significant weight is given to this extant approval which together with the above mentioned policies establishes the principle of development.

6.2	<b>Siting, scale and design</b>
6.2.1	The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.2.2	CS6 seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
6.2.3	<p>Amongst other matters, MD2 requires development to contribute to and respect locally distinctive or valued character and existing amenity value by:</p> <p>i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and</p> <p>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;</p>
6.2.4	According to the Design and Access Statement (DAS), the design has been conceived as a series of low linear blocks in contemporary form and detail, though with reference to trackside architecture precedents.
6.2.5	The DAS also explains that a design cue has been taken from typical urban mews developments. Several locations in the UK are illustrated to reference. Space is often at a premium in narrow streets with shared access routes behind more substantial dwellings.
6.2.6	The design concept is considered consistent with MD2 para 3 which seeks to: <i>Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style</i>
6.2.7	The massing at ground floor level will be relatively continuous due to the garden walls which provide privacy between dwellings. The dwellings will have a layered character. Above the ground floor, there will be greater scope for views through the site from the east.
6.2.8	Dwellings will be constructed from mainly red brick to relate to existing vernacular. Buff and dark bricks will be incorporated, along with a dark recessed band at first floor level, patterned elements and perforated garden walling and metal screens. Windows are to be deeply recessed to provide relief and shadow along the length.
6.2.9	Plots 6 and 7 are to be clad with dark grey upper level panels

6.2.10	The “mews street” through the site is to be paved in setts, softened by some tree planting.
6.2.11	Dwellings are to be flat roofed which aligns with the design cues, but also has the benefit of reducing overall height so a level similar to eaves height of Washford Road.
6.2.12	Footprint and height of the dwellings approx. are as follows: Plot 1 Housetype 3B_B: 11.6m long x 4.2m wide x 5.9m high Floor area 99sqm Plot 2 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 3 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 4 Housetype 3B_A: 9.8m long x 4.2m wide x 5.9m high Floor area 84sqm Plot 5 Housetype 3B_C: 11.6m long x 4.2m wide x 5.9m high Floor area 98sqm Plot 6 Housetype 4B_A: 11.0m long x 4m wide x 8.3m high Floor area 124sqm Plot 7 Housetype 4B_A: 11.0m long x 4m wide x 8.3m high Floor area 124sqm
6.2.13	Generally, scale and design is considered acceptable and in accordance with CS6 and MD2.
6.3	<b>Impact to the character and setting of Meole Brace and the Conservation Area</b>
6.3.1	The NPPF states at Chapter 12 that LPAs should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. LPAs are required to take into account the desirability of new development making a positive contribution to local character and distinctiveness
6.3.2	CS17 and MD13 together seek to ensure that wherever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings.
6.3.3	As first submitted, 8 dwellings were proposed. The Conservation Officer commented that the contemporary design (in principle) is considered to “respond well to the property’s trackside context and linear nature”. Nevertheless, an objection was raised due to over-development.
6.3.4	After the removal of one dwelling, the Conservation Officer then commented that gaps between buildings is increased, and there is a more consistent visual pattern to the rooflines. No objection has been raised overall to the amended scheme, or to the 3 storey elements of Plots 6 and 7.
6.3.5	The application seeks to depart from the traditional vernacular build type in Meole Brace, particularly the character of Washford Road. It is acknowledged that the design form is not supported by many local residents. However with the principle of development established, the application describes an extensive analysis of the site and the context and the built form of the neighbourhood. The form and massing of the dwellings has been justified. Overall, the design concept is considered to complement the character and setting of the Conservation Area.
6.3.6	Although the approved indicative plan of the previous outline consent suggests 6 dwellings, it is considered that 7 can reasonably be accommodated without

	appearing cramped, or overdeveloped.
6.3.7	Subject to appropriate conditions on materials, landscaping, and the control of further development, the development is considered to accord with CS17 and MD13, without harming the character and appearance of the Conservation Area. There is therefore no conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6.4	<b>Visual Impact and Landscaping</b>
6.4.1	Connected to the potential harm to the character of the Conservation Area is the issue of visual impact. Currently views over the site and allotments are enjoyed by residents of Washford Road. Representations have also referred to views over the site from Stanley Lane Railway Bridge.
6.4.2	With the principle of development established for residential development, it is acknowledged that any development in this location will have some visual impact. However those views currently enjoyed are not protected. In this case, the development is not considered to cause unreasonable harm due to the limited height of dwellings, separation distances and the continued ability to enjoy longer range views, over or between dwellings. There are existing buildings on site. Scope for green landscaping is limited due to site constraints but will still have the ability to soften hard boundary features.
6.5	<b>Highways and Access</b>
6.5.1	CS6 requires development to be adaptable, safe and accessible to all.
6.5.2	Station Road allows two way traffic up to the point of the existing application site access. Washford Road is one way from north to south.
6.5.3	Representations have been received concerning the flow of traffic, parking, highway and pedestrian safety on Washford Road.
6.5.4	As submitted the application proposes a second access on Washford Road, approx. 20m from existing. The intention is to allow entrance only to the site by the fitting of flow plates on the new access. The existing access could either be used for exit, or for access to the garages.
6.5.5	Highways has raised no objection overall, but due to maintenance and noise issues, has raised concerns about flow plates, in favour of allowing unrestricted access/exit from/to both accesses. Exit from the new access in any event would require vehicles to turn south along Washford Road.
6.5.6	Accordingly, it is proposed to impose a condition to ensure that flow plates are not fitted.
6.5.7	Highways has also raised concerns about the design of the new access, though are satisfied that details can be dealt with by condition. It is accepted that an enhanced visibility splay to the north would likely require loss of the existing hedgerow. There is scope for the hedge to be re-planted. This may result in relocation of the bin store, perhaps reducing the number of visitor spaces. However, this issue is not



	considered sufficient to warrant refusal of the scheme and details can be controlled by an appropriate pre-commencement condition.
6.5.8	There is sufficient space to the front of dwellings to allow cars and emergency vehicles to reach Plots 6 and 7. The shared access is narrowest at a point approximately half way along the garden wall of Plot 1. According to the agent, the width here is 4.04m. It is acknowledged that the actual width may be less depending on boundary treatment options. Shropshire Fire and Rescue has raised no objection.
6.5.9	Although some highways and access concerns have been raised through representation, it is not considered those concerns are sufficient to warrant refusal. Highways has not objected. The development accords with CS6.
6.6	<b>Ecology</b>
6.6.1	The application includes an ecology survey which has been considered by the Council's ecology team. No objections have been raised subject to conditions and informatives. It is noted that Shropshire Wildlife Trust has queried the potential loss of roadside hedge. Landscaping and lighting conditions are proposed to address those concerns.
6.7	<b>Residential Amenity</b>
6.7.1	CS6 seeks to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
6.7.2	The submitted block plan indicated that dwellings will have floor areas ranging between 84-124sqm. Typical contemporary living accommodation is proposed. Garden space ranges between 38-60sqm. Though limited, this is considered sufficient.
6.7.3	Due to the linear layout and walls at ground floor level, residential amenity is maintained.
6.7.4	Plots 6 and 7 both have small roof terraces front and rear. The rear roof terraces (ie SW end) are enclosed within the first floor. Views outside Bedroom 2/Lounge are only available through the open gable to the SW. There is no floor above on the second floor
6.7.5	The small roof terraces to the front (NE) of the second floor Plots 6-7 are acceptable and their use is not considered to harm the amenity or privacy of neighbours.
6.7.6	Separation distances between dwellings forming Plots 1-5 and residents of Washford Road are considered acceptable. The front elevation of Plot 1 to the front elevation of 13 Washford Road is approx. 24.5m.
6.7.7	There will be views over allotments from upper storeys though these views will not harm privacy. There is likely to be some shading over allotments in late afternoon but due to orientation and height of dwellings, impacts to crop growth are likely to be limited.

6.7.8	Concerns have previously been raised about proximity to the railway. The DAS states that the railway tracks are 9m from rear elevations. Opening windows are installed on front windows only. The Regulatory Services Officer has raised no objection though has recommended a condition which requires the submission of a noise assessment and mitigation as necessary to be completed prior to occupation.
6.7.9	Short term disruption and loss of amenity will occur during the construction period, though this can be reduced by imposition of a condition limiting construction hours.
7.0	<b>CONCLUSION</b>
7.1	The principle of development is established by way of S16.1 of the SMDev Plan and outline consent 16/01561/OUT. Some weight can be given to the site being previously developed (brownfield) land.
7.2	In terms of design, scale and form, Highways and residential amenity, the development is considered to accord with CS6 and MD2.
7.3	The development is considered to adequately address site constraints and the contemporary approach has been evidenced and is justified. Subject to further details required by condition the development will not adversely affect the character of the Conservation Area, nor residential amenity, in accordance with the NPPF, CS6, CS17 and MD13.
7.4	Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>☒ 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.</li> <li>☒ 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.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>

8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

## 10. Background

### Relevant Planning Policies

National Planning Policy Framework  
 CS1 - Strategic Approach  
 CS2 - Shrewsbury Development Strategy  
 CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD12 - Natural Environment  
 MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

PREAPP/10/00602 Erection of 5 residential dwellings and conversion of existing industrial building into a further 3 residential dwellings REC  
 10/03606/OUT Outline application for the erection of 6 no.semi-detached dwellings to include access REFUSE 28th September 2010  
 11/04364/OUT Outline (access) application for the erection of 6 no.semi-detached dwellings REFUSE 9th March 2012  
 12/04866/OUT Outline application for the erection of 6no. semi-detached dwellings to include access GRANT 19th August 2013  
 16/01651/OUT Outline application for residential development to include access GRANT 24th October 2016  
 18/00268/FUL The demolition of existing industrial units and construction of 7no. dwellings with associated parking and access (amended description) PDE  
 SA/86/1167 Erection of a new detached single storey pitched roof replacement workshop, store and office to be used in connection with existing builders business and yard. PERCON 15th January 1987  
 SA/89/0820 Erection of builders workshop/store (amendment to previously approved workshop/store to extend approved building by 1.200m). PERCON 25th October 1989

#### Appeal

12/01966/REF Outline (access) application for the erection of 6 no.semi-detached dwellings DISMIS 26th October 2012

#### 11. Additional Information

View details online:

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

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

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

3. No development shall take place until details of the new access, including the layout, radii, construction and sightlines indicatively shown on Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A-PL003 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.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

wheel washing facilities

measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works

a traffic management and hgv routing plan and community communication protocol.

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

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

a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);

b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);

c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority in the planting season during first occupation, or if not possible in the first available planting season following first occupation.

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

6. No development shall take place until a scheme of the 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.

#### 6. Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site

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

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

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

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

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that

demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

A noise assessment shall be submitted to establish the current noise climate in terms of dB LAeq at day and night and dB LAm<sub>ax</sub> during day and night. Where necessary mitigation shall be proposed which meets as a minimum 30dB LAeq and 45dB LAm<sub>ax</sub> in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces. Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.

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

7. Prior to first occupation / use of the dwellings, 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 prior to first occupation:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 2 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.

8. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the herptile RAMMS, as set out in section 4 of the Ecological Appraisal (Pearce Environment, June 2016).

Reason: To demonstrate compliance with the herptile RAMMS to ensure the protection of herptile species.

9. The internal private drive, parking and turning areas shall be satisfactorily completed and laid out in accordance with the details shown on Site Plan (Proposed) Drawing No. WAS-519-XX-00-DR-A-PL003 Rev 6 prior to the dwellings being first occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

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

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

11. Prior to occupation of the dwellings a noise assessment shall be submitted to and approved by the Local Planning Authority to establish the current noise climate in terms of dB LAeq.

a) The noise assessment shall include dB LAmax during day and night.

b) Where necessary, mitigation measures shall be submitted for approval which meet as a minimum 30dB LAeq and 45dB LAmax in bedrooms at night, 45dB LAeq in habitable rooms in the day, 50dB LAeq in external amenity spaces.

c) Mitigation measures shall be installed as approved prior to occupation of the dwellings and maintained as such thereafter.

Reason: to protect the health and wellbeing of future residents from unacceptable noise from nearby existing sources.

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

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H and Part 2 Class A shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

14. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface



water drainage system to intercept water prior to flowing on to the public highway. The drainage system shall be implemented and maintained as approved.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

15. Construction and/or demolition work shall not take place and construction traffic shall not access the site outside the hours of 0800-1800 on weekdays and 0800-1300 Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the area

16. Notwithstanding the plans hereby approved, traffic management flow plates shall not be installed at points of access

Reason: In the interests of sustainable traffic management and to avoid the risk of excessive noise disturbance.

### **Informatives**

#### 1. Informative: Ecology - Nesting wild birds

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.

2. As part of the planning process, consideration should be given to the information contained within

Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

3. In the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in

increased flood risk elsewhere.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other

buildings or infrastructure. Full details, calculations, dimensions and location plan 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.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the

site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change

will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of

front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system

over the lifetime of the proposed development. 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

Note: where the inclusion of the appropriate allowance would increase the total impermeable area

to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of

the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for

any future extensions of impermeable surfaces.

3. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4. The following is brought to the attention of the applicant, this being the consultation response received in relation to the approved planning application 16/01561/OUT.

Network Rail have a defined access point to the railway these must be maintained to Network Rails satisfaction, we also currently park a vehicle with the permission of the current landowner.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

#### FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rails support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

#### DRAINAGE

All surface water drainage should be directed away from Network Rails land to the public mains system. Soakaways are not acceptable where the following apply:

- o Where excavations which could undermine Network Rails structural support zone or adversely affect the bearing capacity of the ground
- o Where there is any risk of accidents or other acts leading to potential pollution of Network Rails property/infrastructure
- o Where the works could adversely affect the water table in the vicinity of Network Rails structures or earthworks.

#### GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rails land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rails ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

#### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rails boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rails existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rails boundary must also not be disturbed.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out

without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishments guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rails Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rails advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

#### SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

#### PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

#### METHOD STATEMENTS/FAIL SAFE/POSSESSIONS

Method statements may be required to be submitted to Network Rails Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e possession which must be booked via Network Rails Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.

In order to mitigate the risks detailed above, the Developer should contact the Network Rails Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

#### 5. 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.

#### No drainage to discharge to highway

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

#### Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

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

#### 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, cycle ways & 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/media/2326/shropshire-refuse-and-recycling-planning-guidance-september-2015.pdf>

6. Information on how to comply with contamination conditions and what is expected of developers can be found in

the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes

you to this document:

<http://shropshire.gov.uk/committeeservices/>

[Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf](http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf)

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<u>Committee and date</u>
Central Planning Committee
7 June 2018

<u>Item</u>
8
Public

## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 18/02032/HHE	<b><u>Parish:</u></b> Great Hanwood
<b><u>Proposal:</u></b> Erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves	
<b><u>Site Address:</u></b> 4 Weir Road Hanwood Shrewsbury Shropshire SY5 8JZ	
<b><u>Applicant:</u></b> Mr Adam Norton	
<b><u>Case Officer:</u></b> Sonia Kizito	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 343989 - 309424



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

1.1 The proposal seeks confirmation that the proposed extension at the above mentioned site is permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

1.2 The proposal is for the erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves.

1.3 The scheme proposes the removal of the flat roof from the existing single storey extension and re construct a new roof with a further extension of approximately 1.1 metres to create an enlarged kitchen and ground floor WC.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 4 Weir Road is a residential terraced property located in Handwood, Shrewsbury. The property is attached to No3 and No5 and benefits from a long rear garden.

**3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION**

3.1 The scheme complies with the delegation to Officers as set out in Part 8 of the Shropshire Council Constitution

**4.0 COMMUNITY REPRESENTATIONS**

4.1 Consultee Response

4.1.1 Town/Parish Council – No comments received.

4.2 Public Response

4.2.1 Notice of the proposed development has been served on three neighbouring properties and no representations have been received.

**5.0 THE MAIN ISSUES**

Assessment of whether the proposal is classified as 'permitted development'.  
Impact on the residential amenity of neighbouring properties.

**6.0 OFFICER APPRAISAL**

6.1 **Assessment of whether the proposal is classified as 'permitted development'.**

6.1.1 The proposal relates to the enlargement of a dwelling house consisting of a single storey rear extension. The determination of whether the works benefit from permitted development is made in accordance with Part 1 Class A of the Town and



Country Planning (General Permitted Development) (England) Order 2015 (as amended). Under this Order the enlargement, improvement or alteration of a dwelling house is deemed as permitted development subject to the limitations set out in paragraphs A1 (a) – (k).

6.1.2 In response to the criteria under paragraphs A1 (a) – (i) the following applies for the proposed addition under this application:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse will not exceed 50% of the total area of the curtilage;

(c) The height of the part of the dwellinghouse enlarged, improved or altered will not exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered will not exceed the height of the eaves of the existing dwellinghouse;

(e) The enlarged part of the dwellinghouse would not extend beyond a wall which:  
(i) Forms the principal elevation of the original dwellinghouse; or  
(ii) Fronts a highway and forms a side elevation of the original dwellinghouse;

(f) (Subject to paragraph g), the enlarged part of the dwellinghouse will have a single storey and:

- (i) will extend beyond the rear wall of the original terraced dwellinghouse by more than 3 metres
- (ii) will not exceed 4 metres in height;

(g) (Until 30th May 2019) the dwellinghouse is not on article 2(3) land nor on a site of special scientific interest. The enlarged part of the dwellinghouse will have a single storey and:

- (i) will extend beyond the rear wall of the original terraced dwellinghouse by 6 metres- the extension is 6.0m in length;
- (ii) will not exceed 4 metres in height- the extension is 3.0m in height at the eaves;

(h) Not applicable- the extension is a single storey.

(i) The enlarged part of the dwellinghouse will be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves will not exceed 3 metres- the extension is 3.0m in height at the eaves;

(j) Not applicable- The enlarged part of the dwellinghouse will not extend beyond a wall forming the side elevation of the original dwellinghouse

(k) Not applicable - The proposal is for a rear extension and does not include for the provision of the features in criteria (i to iv).

- 6.1.3 A2: The property is not within an article 2(3) land.
- 6.1.4 A3: The materials used in the exterior work will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

## 6.2 **Impact on the residential amenity of neighbouring properties**

- 6.2.1 The changes to the regulations require the local planning authority must, when considering the impact referred to in sub-paragraphs (7)—
- (a) take into account any representations made as a result of the notice given under paragraph (5); and
  - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
- 6.2.2 Neighbouring properties were notified and no representations have been received.
- 6.2.3 In view of the above, it is confirmed that the details submitted with the application demonstrate that the extension will be exempt from requiring planning permission as these works do comply with the requirements of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 7.0 **CONCLUSION**

- 7.1 Planning permission will not be required for the proposed development as it does meet the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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

### 8.1 Risk Management

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

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

first arose first arose.

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

## 8.2 Human Rights

Article 8 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 1990.

## 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.

## 10. Background

### RELEVANT PLANNING HISTORY:

18/02032/HHE Erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves PCO

## 11. Additional Information

[View details online:](#)

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

1. The extension must be built in accordance with the details approved unless Shropshire Council agrees any changes in writing.

REASON: To comply with the provisions of Class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended).

2. The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

REASON: To comply with the provisions of Paragraph A.3(a) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended).

3. The extension must be completed on or before 30 May 2019. Shropshire Council must be notified in writing of the date of completion.

REASON: To comply with the provisions of Paragraph A 4 (13), (14) and (15) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended).

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## Development Management Report

Responsible Officer: Tim Rogers

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

<b>LPA reference</b>	17/03807/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	Cardtronics UK Ltd, Trading As CASHZONE
<b>Proposal</b>	Installation of an ATM to front elevation
<b>Location</b>	Parveen Balti 36 Wyle Cop Shrewsbury
<b>Date of application</b>	02.08.2017
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	16.10.2017
<b>Date of appeal</b>	22.11.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	30.04.2018
<b>Date of appeal decision</b>	21.05.2018
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	17/03808/ADV
<b>Appeal against</b>	Refused consent for the advertisement(s) shown on the application form.
<b>Appellant</b>	Cardtronics UK Ltd, Trading As CASHZONE
<b>Proposal</b>	Installation of illuminated signage in connection with installation of ATM to front elevation
<b>Location</b>	Parveen Balti 36 Wyle Cop Shrewsbury
<b>Date of application</b>	02.08.2017
<b>Officer recommendation</b>	Refusal
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	16.10.2017
<b>Date of appeal</b>	22.11.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	30.04.2018
<b>Date of appeal decision</b>	21.05.2018
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	17/03903/OUT
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr K Bhamra
<b>Proposal</b>	Outline application (access for consideration) for the erection of one dwelling
<b>Location</b>	Brooklands Uffington Shrewsbury Shropshire SY4 4SE
<b>Date of application</b>	15.08.2017
<b>Officer recommendation</b>	REFUSE
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	30.10.2017
<b>Date of appeal</b>	18.01.2018
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	30.04.2018
<b>Date of appeal decision</b>	23.05.2018
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>Dismissed</b>
<b>Details</b>	



<b>LPA reference</b>	17/01873/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr Roy Emberton
<b>Proposal</b>	Erection of a detached dwelling and creation of new vehicular access following demolition of existing workshop
<b>Location</b>	Proposed Dwelling South Of Birch Tree Cottage Chavel Ford Shrewsbury Shropshire
<b>Date of application</b>	24.04.2017
<b>Officer recommendation</b>	Refuse
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	06.06.2017
<b>Date of appeal</b>	05.12.2017
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	30.04.2018
<b>Date of appeal decision</b>	23.05.2018
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

<b>LPA reference</b>	17/02677/FUL
<b>Appeal against</b>	Refusal
<b>Appellant</b>	Mr Neil Maybury
<b>Proposal</b>	Conversion of existing 1.5 storey outbuilding to form 2 storey, low impact timber framed holiday let accommodation.
<b>Location</b>	Sheinwood Sheinton Shrewsbury Shropshire
<b>Date of application</b>	09.06.2017
<b>Officer recommendation</b>	Refuse
<b>Committee decision (delegated)</b>	Delegated
<b>Date of decision</b>	17.08.2017
<b>Date of appeal</b>	11.12.2017
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	30.04.2018
<b>Date of appeal decision</b>	24.05.2018
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>
<b>Details</b>	

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## Appeal Decisions

Site visit made on 30 April 2018

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> May 2018

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### **Appeal A Ref: APP/L3245/W/17/3189873**

#### **Sulemaan Khan, 36 Wyle Cop, Shrewsbury SY1 1XF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cardtronics UK Ltd, trading as CASHZONE against the decision of Shropshire Council.
  - The application Ref 17/03807/FUL, dated 1 August 2017, was refused by notice dated 16 October 2017.
  - The development proposed is the installation of an automated teller machine.
- 

### **Appeal B Ref: APP/L3245/H/17/3189875**

#### **Sulemaan Khan, 36 Wyle Cop, Shrewsbury SY1 1XF**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Cardtronics UK Ltd, trading as CASHZONE against the decision of Shropshire Council.
  - The application Ref 17/03808/ADV, dated 1 August 2017, was refused by notice dated 16 October 2017.
  - The advertisement proposed is illuminated signage in connection with installation of ATM to front elevation.
- 

### **Decision**

1. Appeal A and Appeal B are both dismissed.

### **Procedural Matter**

2. The two appeals relate to the same appeal site and to each other. I have considered each proposal on its individual merits, but as they raise similar issues I have dealt with the cases in a single decision letter.
3. I have used the Council's description of the advertisements for Appeal B. This is more accurate and comprehensive than that set out in the application. I have determined the appeal on this basis.

### **Main Issue**

4. The main issue in both appeals is whether the proposed development and advertisements preserve or enhance the character or appearance of the Shrewsbury Conservation Area.

### **Reasons**

5. The appeal site is located within the Shrewsbury Conservation Area (the CA), which covers a large area of the town centre. This part of the CA comprises rows of period terraces typically with commercial units on the ground floor.

Many of these units have retained the traditional shop frontage design and proportions. The appeal site comprises a three-storey, mid terrace property with a commercial unit on the ground floor which has a traditional shop frontage. It is located within a row of similar commercial properties and fronts a busy road. Unlike many other shop frontages in the vicinity of the site, this one is symmetrical with a door either side of the central double paned window, which has three smaller panes above. Although the western door may serve a separate property it is clearly read as a singular frontage. Overall, the detailed frontage and its traditional proportions make an important contribution to the character and appearance of the CA.

6. The proposed ATM and associated signage would be installed within one half of the central double paned window. As a consequence, this would disrupt the symmetry of the frontage and the solid to window ratio. Moreover, the ATM and signage would be substantial in size and as a result would be a dominant feature in the shop frontage.
7. In addition, the proposals would utilise modern materials such as steel, silicone glazing and Perspex signage. The introduction of such materials onto what is otherwise a traditional timber and glass frontage would emphasise the incongruity of the ATM. This would be exacerbated by the illumination of the signage, which would draw attention to the ATM.
8. Overall, the resultant loss of a significant part of the glazing in the shop frontage and the visual dominance of the proposals would detract from the appearance of the area and undermine the contribution the shop front makes to the character and appearance of the CA.
9. Paragraph 134 of the National Planning Policy Framework (the 'Framework') confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including securing its optimal viable use. The ATM would be a public benefit by providing cash to the community. However, whilst the harm to the significance of the CA would be less than substantial, I do not consider that the public benefit would outweigh this harm.
10. I find therefore that the ATM and signage would significantly harm the character and appearance of the area and fail to preserve or enhance the character or appearance of the CA, contrary to Policies CS6 and CS17 of the Shropshire Council Core Strategy 2011, which seek to ensure that development protects, conserves and enhances the built and historic environment. Furthermore, it would fail to accord with the design objectives of the Framework.

### **Other Matters**

11. In my consideration of the proposals I have attributed considerable weight to the desirability of preserving the setting of nearby listed buildings – Nos 37, 38 and 39 Wyle Cop; No 48 Wyle Cop; 51 and 52 Wyle Cop; and The Lion and Pheasant Hotel. Given the separation distance between the proposals and the listed buildings and the scale of the proposals, I consider that they would have a neutral effect on their setting.

12. Although I am satisfied that, were I minded to allow the appeal, the illumination of the signage could be controlled through the use of an appropriately worded condition, I do not consider that this would mitigate the overall harm the proposals would have to the character and appearance of the area and the CA.

**Conclusion**

13. For the reasons given above, having regard to all matters raised, I conclude that Appeal A and Appeal B are dismissed.

*Alexander Walker*

INSPECTOR

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## Appeal Decision

Site visit made on 30 April 2018

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> May 2018

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**Appeal Ref: APP/L3245/W/18/3193834**

**Brooklands, Shrewsbury Junction with B5062 to Church Road end of, Uffington, Shrewsbury SY4 4SE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr K Bhamra against the decision of Shropshire Council.
  - The application Ref 17/03903/OUT, dated 7 August 2017, was refused by notice dated 30 October 2017.
  - The development proposed is the erection of 1 No detached dwelling on part of garden.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis.

### Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

### Reasons

4. Policy CS4 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters as prime locations for sustainable development. Uffington is identified as a Community Cluster.
5. The development plan does not define Uffington with a settlement boundary. The appeal site currently forms part of the garden area associated with Brooklands. Brooklands is located within a small cluster of dwellings located slightly south of the junction of Church Road and the B5062. Further to the south along Church Road is a significantly larger collection of buildings, predominantly dwellings, which line either side of the road. During my site visit I noted a church, a village hall and a public house located amongst these dwellings. These buildings create a logical, linear form of development that is distinctly identifiable as the settlement of Uffington. Notwithstanding the

relationship the appeal site has with its immediate neighbours, in terms of their layout and proximity, this cluster of dwellings is both physically and visually detached, separated by open fields, from the larger built form to the south which results in them failing to appear as a single settlement. I find therefore that the appeal site does not fall within the settlement of Uffington and is therefore located within the open countryside for the purposes of the development plan.

6. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. In support of Policy CS5, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It sets out various types of residential development that would be permitted in the countryside, including exception site dwellings, residential conversions and essential rural workers' dwellings. The proposal would be for an open market dwelling in the open countryside and therefore would fail to satisfy these policies.
7. Policy MD3 of the SAMDev supports development outside settlements. However, the opening paragraph to Policy MD3 clearly states that it is to be read in conjunction with the Local Plan as a whole, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a. Therefore, it is not to be considered in isolation. Paragraphs 2 and 3 of Policy MD3 relate to the settlement housing guidelines, with paragraph 2 confirming that they are a significant policy consideration. Where the settlement housing guideline is unlikely to be met, paragraph 3 allows for additional sites outside the development boundary, subject to satisfying paragraph 2. Therefore, whilst Policy MD3 does allow for additional sites outside the settlement boundaries this is only if the settlement housing guideline is unlikely to be met. As there is no indication that the housing guideline for Uffington is unlikely to be met during the remainder of the plan period, the proposal would conflict with Policy MD3.
8. I acknowledge that the appeal site is not an isolated dwelling in the countryside. However, whilst it does form part of a cluster of dwellings, based on the evidence before me, I do not consider that these fall within any settlement identified for growth in the development plan.
9. I find therefore that the site is not a suitable location for housing, having regard to the Council's housing strategy. As such, it would be contrary to Policies CS4 and CS5 of the CS and Policies MD1, MD3 and MD7a of the SAMDev. Furthermore, it would fail to accord with the housing supply objectives of the National Planning Policy Framework (the Framework).

### **Other Matters**

10. The appellant has referred me to two recent planning permissions granted for residential development in Uffington<sup>1</sup>. However, unlike the appeal proposal before me, these sites are located within the identifiable settlement of

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<sup>1</sup> LPA Ref 16/02931/FUL and 14/02116/FUL



Uffington and have a closer, more cohesive relationship with it. Similarly, the scheme at Treflach<sup>2</sup>, whilst outside the settlement, is adjacent to it and therefore has a closer relationship to the settlement than the appeal proposal.

11. With regards to the site at Aston Rogers<sup>3</sup>, the settlement is identified as being relatively loose knit and the site was considered to fall within a group of dwellings that formed part of the non-nucleated settlement. From the evidence before me and the observations I made on site, I do not consider that Uffington is loose knit, indeed it seems to me that it is a clearly definable settlement, which the appeal site does not fall within.
12. I have also had regard to the site at Perth<sup>4</sup>. However, the details of Perth and how it is defined as a settlement are not before me. Accordingly, I cannot be certain that there is any direct comparison with the proposal before me.
13. I note that the appeal site is located within a Designated Environmental Network, as defined in Policy CS17 of the CS. Policy MD12 of the SAMDev supports Policy CS17 of the CS and seeks to protect the natural environment. The appeal site is currently a lawned garden. Whilst there are trees around the site, given its size, I am satisfied that a dwelling could be located without having any significantly harmful effect on the Environmental Network and, were I minded to allow the appeal, appropriately worded conditions could ensure suitable environmental enhancement measures are implemented if necessary. Accordingly, I find no conflict with Policies CS17 of the CS or MD12 of the SAMDev.

### **Planning Balance and Conclusion**

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."
15. The proposal would be located in a sustainable location, in terms of accessibility to services and facilities, and would make a positive contribution, albeit very limited, to the supply of housing. In addition, it would utilise previously developed land and be a self-built home. Whilst these matters weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have by virtue of it undermining the Council's housing strategy.
16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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<sup>2</sup> LPA Ref 14/01986/OUT

<sup>3</sup> LPA Ref 17/03039/OUT

<sup>4</sup> LPA Ref 17/04190/OUT

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## Appeal Decision

Site visit made on 30 April 2018

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> May 2018

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**Appeal Ref: APP/L3245/W/17/3190891**

**Land South of Birch Tree Cottage, Chavel, Ford, Shrewsbury, Shropshire SY5 9LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Roy Emberton against the decision of Shropshire Council.
  - The application Ref 17/01873/FUL, dated 21 April 2017, was refused by notice dated 6 June 2017.
  - The development proposed is a three bedroom cottage and new vehicle access to include removal of existing workshop
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

### Reasons

3. The Council confirm that the Development Plan for the area comprises the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015. The appellant refers to Policy HS3 of the Shrewsbury and Atcham Borough Council Local Plan (SABCLP). The Council confirm that this policy was superseded by Policies MD1 and MD3 of the SAMDev. The appellant does not dispute this. Accordingly, I attribute no weight to Policy HS3 of the SABCLP.
4. The Council indicates that they can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). The appellant does not dispute this. The SAMDev was adopted relatively recently, and there is no evidence to suggest that either its policies, or those in the CS, are not in accordance with the Framework. I find therefore that the development plan is not absent, silent or out-of-date. Accordingly, the fourth bullet point of paragraph 14 of the Framework is not engaged.
5. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the SAMDev. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters as

- prime locations for sustainable development. The appeal site is not located within any of these identified settlements.
6. The appeal site comprises an area of land to the rear of Birch Tree, within the settlement of Chavel. The appellant argues that Chavel physically forms part of the village of Ford, which he states is identified as a Hub in the Local Development Plan Review 2017. Notwithstanding the lack of evidence regarding the status of the Local Development Plan Review 2017, by reason of the physical separation between Chavel and Ford, due to open fields and the significant distance between the two settlements, I find that they are distinctly separate settlements. Although the site has a Ford village post code and is within the Ford Civil Parish, I do not find that this is determinative of whether it falls within a settlement identified for housing growth for the purposes of the development plan. Accordingly, for the purposes of the development plan I find that the appeal site falls within the open countryside.
  7. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. In support of Policy CS5, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It sets out various types of residential development that would be permitted in the countryside, including exception site dwellings, residential conversions and essential rural workers' dwellings. The proposal would be for an open market dwelling in the open countryside and therefore would fail to satisfy these policies.
  8. I find therefore that the site is not a suitable location for housing, having regard to the Council's housing strategy. As such, it would be contrary to Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. Furthermore, it would fail to accord with the housing supply objectives of the Framework.
  9. In their reason for refusal, the Council have cited Policies CS6 and CS17 of the CS and Policy MD13 of the SAMDev, which relate to sustainable design principles, environmental networks and the historic environment. The Council provide no evidence as to why the proposal would not meet the sustainable design principles. Moreover, there is no evidence before me to indicate that the proposal would have any effect on environmental networks or heritage assets. Accordingly, I find no conflict with these policies. Nevertheless, this does not affect the overall conflict the proposal has with the Council's housing strategy.

## **Conclusion**

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."

11. The proposal would be located in a sustainable location, in terms of accessibility to services and facilities and would make a positive contribution, albeit very limited, to the supply of housing in Shropshire. Whilst these matters weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have by virtue of it undermining the Council's housing strategy.
12. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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## Appeal Decision

Site visit made on 30 April 2018

**by Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> May 2018

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**Appeal Ref: APP/L3245/W/17/3191251**

**Sheinwood, Sheinton, Shrewsbury, Grid Ref Easting: 361576 Grid Ref**

**Northing: 302734**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neil Maybury against the decision of Shropshire Council.
  - The application Ref 17/02677/FUL, dated 2 June 2017, was refused by notice dated 17 August 2017.
  - The development proposed is the conversion of existing 1.5 storey outbuilding to form 2 storey, low impact timber framed holiday let accommodation.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the description of the development as set out in the appeal form. This is more accurate than that set out in the application form. I have determined the appeal on that basis.

### Main Issues

3. The main issues are whether the site is a suitable location for tourist accommodation, having regard to local and national policy; the effect on the character and appearance of the area; and, the effect of the development on biodiversity.

### Reasons

#### *Suitable Location and Character and Appearance*

4. Policy CS5 of the Shropshire Core Strategy (CS) 2011 restricts new development in the open countryside to appropriate sites which maintain and enhance the character and vitality of the countryside, and where they improve the sustainability of rural communities by bringing local economic and community benefits. In particular, this may include sustainable rural tourism which requires a countryside location, and which accords with Policies CS16 and CS17 of the CS.
5. In support of Policy CS5, Policy CS16 of the CS states that visitor accommodation should be in accessible locations, served by a range of services and facilities. In rural areas it should be of an appropriate scale and character for its surroundings and be close to, or within, settlements or an established tourism enterprise where accommodation is required. The policy allows

- conversions of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside.
6. Policy CS17 of the CS, amongst other things, seeks to ensure that new development protects and enhances Shropshire's natural, built and historic environment.
  7. Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 provides further support to Policies CS5 and CS16 of the CS, stating that tourism development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings. I note that the appellant states that Policy MD11 does not relate to conversions. However, it clearly refers to tourism development, which the proposal is for, and therefore is relevant.
  8. Paragraph 28 of the National Planning Policy Framework (the Framework) states that in order to promote a strong rural economy local policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. I find no inconsistency between the development plan policies and the Framework.
  9. The appeal site is located within Sheinwood, which comprises a collection of several dwellings and holiday lets. There is no evidence before me that there are any public services or facilities available within Sheinwood. Access to the site is via a narrow country lane that serves the two existing neighbouring dwellings – Sheinwood Manor and Sheinwood Cornmill. The lane is unlit and has no footways. The nearest settlements of Sheinton and Homer are only a short distance from the appeal site. Notwithstanding the limited facilities and services available in these settlements, the route to these is via an unlit road with no footway, which would be unattractive for visitors to walk. There are also a number of public footpaths within the vicinity of the site, which provide access to these settlements and the wider area. However, these are similarly unlit and, particularly in inclement weather, would also be unattractive to visitors.
  10. I note the appellant's argument that Sheinwood would accord with the Oxford Dictionary's definition of a 'settlement'. However, the final bullet point of Policy CS16 of the CS seeks to ensure that tourist development is in accessible locations served by a range of services and facilities. It then goes on to state that in rural areas such development should be close to or within settlements. Given the lack of accessibility of the site to services and facilities, I do not consider that Sheinwood is a settlement envisaged by Policy CS16. Furthermore, given that the roads and footpaths leading to the nearby settlements of Sheinton, Homer and Much Wenlock would likely be unattractive to pedestrians, and therefore it is reasonable to conclude they would use a private car, for the purposes of Policy CS16, I do not consider that the site would be close to a settlement either.
  11. Moreover, whilst the public footpaths may be used by walkers seeking to enjoy the intrinsic natural beauty of the countryside, in particular the Shropshire Hills AONB, the historic town of Much Wenlock and Iron Bridge are not within reasonable walking distance. Consequently, it is reasonable to conclude that such tourist attractions would likely be accessed via the use of a private car.



Overall, the proposed development would not represent the accessible type of location envisaged by Policy CS16. I have had regard to the appellant's contention that the proposal need not satisfy the bullet points of Policy CS16. Nevertheless, it must satisfy the opening paragraph to the policy.

12. The proposal is described as the conversion of the existing building. However, it is not clear to what extent the existing building would be retained. The existing building is a modest single-storey double garage with storage space in the loft. Whilst no longer associated with Sheinwood Cornmill, it nevertheless remains visually subservient to it. In addition, its modest size ensures it is not intrusive in this open countryside location. The drawings indicate a significantly higher building than the existing with an extension to the side and a porch. The chalet style design of the proposed building would have little regard to the simple, modest character of the existing garage. Moreover, by reason of its increased height and bulk, the building would appear as a significantly more dominant and intrusive feature within the area. This dominance would be exacerbated by its elevated position on the side of the hill above that of Sheinwood Cornmill. Consequently, the proposal would not make a positive contribution to the character of the existing building and the immediate surroundings. I have had regard to the proposed screening of the building through additional planting. However, this would take time to establish and I am not satisfied that it would adequately screen the building or that non-native species would be appropriate to the woodland setting.
13. The appellant also contends that the proposal satisfies the first bullet point of Policy CS5 of the CS, which allows for small-scale new economic development diversifying the rural economy. However, the indent below the second bullet point clearly states that applicants will be required to demonstrate the need and benefit for the development proposed. It goes on to state that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. There is no evidence before me demonstrating the need for holiday lets in this area. In addition, the site is not within a recognisable named settlement or linked to an existing development and business.
14. Visitors to the accommodation would make a positive contribution to the local economy and therefore be of benefit to local business and tourist facilities. However, given the scale of the proposal, this economic and community benefit would be very limited.
15. I therefore conclude that the proposal would not be situated in an accessible location and would significantly harm the character and appearance of the area, contrary to Policies CS5, CS16 and CS17 of the CS and Policy MD11 of the SAMDev. In addition, it would also fail to accord with Policy MD2 of the SAMDev, which seeks to ensure that development contributes to and respects locally distinctive or valued character. Furthermore, it would fail to accord with tourism and design objectives of the Framework.
16. In their first reason for refusal, the Council have cited Policy MD7a of the SAMDev, which relates to housing in the countryside. It is not proposed that the building would be used as a dwelling. Nevertheless, this does not affect the overall conflict the proposal has with the Council's housing strategy.

### *Biodiversity*

17. The Phase One Habitat Survey prepared by Arbor Vitae Environment Ltd submitted with the appeal indicates that subject to mitigation measures, including restricting external lighting and the installation of bat and bird boxes, the proposal would not have any harmful effect on habitats or protected species.
18. I note that the survey also indicates that the adjacent pond has 'excellent' potential for great crested newts. It also states that further investigative work is necessary to ascertain whether they are present. However, based on the evidence before me, I am satisfied that, were I minded to allow the appeal, an appropriately worded condition would ensure such investigative works are undertaken and any necessary mitigation measures are implemented.
19. I find therefore that the proposal would not have any significantly harmful effect on biodiversity and therefore would accord with Policy CS17 of the CS and Policy MD12 of the SAMDev, which seek to protect Shropshire's natural assets.

### **Other Matters**

20. The appeal site is located within an attractive rural area within the Shropshire Hills Area of Outstanding Natural Beauty. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The building would be adjacent to a wooded setting and would not be readily visible from public vantage points. The Council raise no objection with regard to the effect of the proposal on the AONB. Based on the evidence before, I concur with this view. I conclude therefore that the proposal would preserve the landscape and scenic beauty of the AONB.
21. Sheinwood Manor and Sheinwood Cornmill are grade II listed buildings. I have a statutory duty under sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the listed buildings or their settings. I must attach this duty significant importance and weight. Sheinwood Cornmill is a detached former mill. It is surrounded by woodland to the east and west and open fields to the north. The appeal site is located to the south east of the mill, adjacent to the woodland tree line. The existing garage is visible from numerous viewpoints from within the mill and its curtilage and the proposed building would be significantly more prominent. However, given the set-back position of the proposed building against the backdrop of the trees and the separation distance between the properties, I do not consider that it would significantly harm the setting of the mill.
22. With regard to Sheinwood Manor, given that there would be a greater separation distance than with the mill and views of the proposed building from it would be limited, although I accept that they would be obtainable from some parts of the extensive garden area, I do not consider that it would harm its setting. I note that whilst the Council recognise that the proposal must have regard to the sensitivity of the heritage assets, it raises no objection with regard to this matter. Based on the evidence before me, I find no reason to conclude otherwise. Accordingly, I find no conflict with Policy CS6 of the CS or

Policy MD13 of the SAMDev, which seek to protect heritage assets and the historic environment.

23. The appellant refers me to historical permissions for holiday lets at Sheinwood Barns<sup>1</sup> and Penkridge Cottage<sup>2</sup>. Whilst I note that there are similarities between these schemes and the appeal proposal in terms of location, these schemes appear to have been granted against different local and national policies than the proposal before me. Therefore, it is not possible to conclude that the Council has been inconsistent in applying the relevant development plan policies.
24. I acknowledge the apprehension of neighbouring residents with regard to noise generated by occupants of the holiday let. However, given the separation distances between the properties, I do not consider that any noise would have a significantly harmful effect on the living conditions of neighbouring residents.
25. Concerns regarding contributions to the maintenance of the access road have not had any bearing on my considerations of the planning merits of the proposal.
26. I have had regard to the proposed use of a septic tank and I am satisfied that, subject to appropriately worded conditions, any potential effect on watercourses within the vicinity of the site could be adequately mitigated against.

### **Conclusion**

27. I find that the proposal would not have any significantly harmful effect on biodiversity. However, this is a neutral effect and does not affect the harm the proposal would have on the character and appearance of the area and the harm by virtue of undermining the Council's tourism strategy.
28. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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<sup>1</sup> LPA Ref SA/99/0077

<sup>2</sup> LPA Ref SA/02/0507/F

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