

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

Date: Wednesday, 6 March 2019

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

**Date:** Thursday, 14 March 2019  
**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  
Director 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 **Apologies for absence**

To receive apologies for absence.

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

To confirm the Minutes of the meeting of the Central Planning Committee held on 14<sup>th</sup> February 2019.

Contact Shelley Davies on 01743 257718.

## 3 **Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 13<sup>th</sup> March 2019.

## 4 **Disclosable Pecuniary Interests**

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

## 5 **Proposed Crematorium, North of Nesscliffe, Shrewsbury - 18/04965/FUL** (Pages 7 - 48)

Erection of a new crematorium with associated access, car parking and landscaping.

## 6 **Proposed Residential Development Land Adj Crosshills, Nesscliffe, Shrewsbury - 18/05893/VAR** (Pages 49 - 60)

Variation of Condition No. 2 attached to planning permission 17/00282/FUL dated 27 June 2017 - alterations/amendments to plot 2 and 3 house types.

## 7 **Hill Cottage, Top Road, Pontesbury, Shrewsbury - 18/05095/FUL** (Pages 61 - 78)

Erection of replacement dwelling and detached garage; formation of vehicular access.

## 8 **Crowmoor House, Frith Close, Shrewsbury - 18/05560/COU** (Pages 79 - 86)

Change of use from C2 Residential Institutions to House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use).

## 9 **The Red Barn 108 Longden Road Shrewsbury - 19/00070/FUL** (Pages 87 - 94)

Creation of three additional parking spaces

## 10 **Mulberry House, Acton Burnell, Shrewsbury - 19/00097/VAR** (Pages 95 - 106)

Variation of Condition No.2 (approved plans) attached to planning permission 14/01477/FUL dated 18/06/2015.

**11 Schedule of Appeals and Appeal Decisions (Pages 107 - 108)**

**12 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, 11<sup>th</sup> April 2019 in the Shrewsbury Room, Shirehall.

**This page is intentionally left blank**



## Committee and Date

Central Planning Committee

14<sup>th</sup> March 2019

## **CENTRAL PLANNING COMMITTEE**

**Minutes of the meeting held on 14 February 2019**

**2.00 - 3.24 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), Pamela Moseley, Tony Parsons, Ed Potter, Kevin Pardy, Keith Roberts and Roger Evans (substitute for David Vasmer).

### **93 Apologies for absence**

Apologies for absence were received from Councillors Nick Hignett, Alex Phillips and David Vasmer (Substitute: Roger Evans).

### **94 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 17<sup>th</sup> January 2019 be approved as a correct record and signed by the Chairman.

### **95 Public Question Time**

There were no public questions or petitions received.

### **96 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 applications to be considered at this meeting, Councillors Keith Roberts and Nat Green stated that they were members 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.

With reference to planning application 18/05838/FUL - Site of The Cygnets, Hookagate, Shrewsbury, Councillor Keith Roberts stated that he was Member of

Longden Parish Council and lived opposite the site, therefore due to a perception of bias he would make a statement in relation to the application and then leave the room, take no part in the consideration of, or voting on, this item.

With reference to planning applications 18/04723/FUL - Romney House, Pound Lane, Hanwood, Shrewsbury and 18/05838/FUL - Site of The Cygnets, Hookagate, Shrewsbury, Councillor Roger Evans stated that he was a member of Pontesbury Parish Council and Londgen Parish Council. He indicated that his views on any proposals when considered by the Parish Councils had been based on the information presented at that time and he would now be considering all proposals afresh with an open mind and the information as it stood at this time.

**97 Poulton Farm, Little Minsterley, Minsterley, Shrewsbury - 18/02023/EIA**

The Principal Planning Officer introduced the application for erection of 2 poultry sheds, storage shed; feed bins and associated landscape works and advised Members that if they were minded to approve the application he suggested an amendment to Condition 4 to include the wording 'the approved plans to be adhered to at all times' and the inclusion of an informative to remind the applicant that the site permit managed by the Environment Agency will monitor any day to day odour issues once the development is in operation.

Having considered the submitted plans Members unanimously expressed their support for the Officer's recommendation subject to the amendment to Condition 4 and the inclusion of an informative as detailed by the Principal Planning Officer.

**RESOLVED:**

That authority to grant planning permission be delegated to the Head of Planning Services subject to:

- The conditions as outlined in appendix 1 and any modifications to these conditions as considered necessary by the Head of Planning Services;
- An amendment to Condition 4 to include the wording 'the approved plans to be adhered to at all times'; and
- An informative being added to the decision notice to remind the applicant that the site permit managed by the Environment Agency will monitor any day to day odour issues once the development is in operation.

**98 Beacon Hotel, 156 Copthorne Road, Shrewsbury - 18/04372/FUL**

The Planning and Enforcement Officer introduced the application for the installation of raised timber decking areas complete with balustrading and steps and erection of an open sided timber framed pergola structure (revised description) and confirmed that Members had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

In response to a query from a Member in relation to whether there was CCTV in the outside area, the Planning and Enforcement Officer stated that she was unable to advise on the location of CCTV and this issue would need to be clarified within the management plan or an appropriate approved plan.

Having considered the submitted plans the majority of Members expressed their support for the Officer's recommendation subject to an amendment to the conditions to clarify within the management plan or an appropriate approved plan that there will be adequate CCTV covering the outside area.

**RESOLVED:**

That authority to grant planning permission be delegated to the Head of Planning Services subject to:

- The conditions set out in Appendix 1;
- An amendment to the conditions to clarify within the management plan or an appropriate approved plan that there will be adequate CCTV covering the outside area; and
- Any modifications to these conditions as considered necessary.

**99 Romney House, Pound Lane, Hanwood, Shrewsbury - 18/04723/FUL**

*Councillor Roger Evans 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 alterations to existing annex to form living accommodation, and erection of a log store to aid existing biomass boiler and confirmed that Members had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the Schedule of Additional Letters which included a representation from Pontesbury Parish Council withdrawing their objection to the application.

Having considered the submitted plans and in light of the objection from the Parish Council being withdrawn, Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted, subject to the conditions as set out in Appendix 1.

**100 Site Of The Cygnets, Hookagate, Shrewsbury - 18/05838/FUL**

The Planning and Enforcement Officer introduced the application for the erection of 8 new dwellings and alterations to 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 Planning and Enforcement Officer, in reference to paragraph 6.1.4 of the Officer's report noted the latest figures for housing development in the Community Cluster of Longden, stating that there was currently a total of 20 completions and 41 commitments. He pointed out that this application was for 8 dwellings comprising four 2 bedroom dwellings and four 3 bedroom dwellings, making a total of 20 bedrooms, and the extant planning permission for 6 dwellings was for four 3 bedroom dwellings and two 4 bedroom dwellings also making a total of 20 bedrooms. The Planning and Enforcement Officer drew Members' attention to the Schedule of Additional Letters which included representations from the Parish Council and advised Members that if they were minded to approve the application he recommended that a condition in relation to adequate bin storage be added to any permission granted.

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

- The road was subject to speeding and this had been acknowledged by the Police;
- The location was a rural village and not an urban setting; and
- He was concerned in relation to the increase in housing numbers as referred to in paragraph 6.1.5 of the Officer's report; and
- Urged the Committee to refuse the application.

In line with his declaration at Minute 96, Councillor Keith Roberts made a statement in relation to the application and then left the room, took no part in the debate and did not vote on this item.

The Planning and Enforcement Officer responded to concerns raised by the speakers, noting that the construction management plan would limit the site working hours; the area currently used for parking was an informal arrangement and was not designated for parking; he acknowledged that the housing guidelines in Policy MD3 had been exceeded but noted the perceived benefits in regards to the application which included the redevelopment of a brownfield site.

Members questioned if it was possible for the Bus Shelter to remain in the current location. In response, Mr Groves, agent for the applicant indicated that this was acceptable.

Having considered the submitted plans and noted the comments of all the speakers, Members unanimously expressed their support for the Officer's recommendation



subject to an amendment to the conditions in relation to the location of the Bus Shelter and an additional condition with regard to bin storage in relation to development on site.

**RESOLVED:**

That planning permission be granted, subject to:

- The conditions as set out in Appendix 1;
- An amendment to the conditions in relation to the location of the Bus Shelter; and
- An additional condition with regard to bin storage in relation to development on site.

**101 5 Westhope Avenue, Shrewsbury - 18/05630/FUL**

The Principal Planning Officer introduced the application for a replacement enclosed front porch and enlarged room over and noted that the applicant was a Member of Shropshire Council, not an employee as stated in paragraph 3.1 of the Officer’s report.

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

**RESOLVED:**

That planning permission be granted, subject to the conditions as set out in Appendix 1.

**102 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the Central area as at 14<sup>th</sup> February 2019 be noted.

**103 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, 14<sup>th</sup> March 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

**This page is intentionally left blank**



Committee and date  
 Central Planning Committee  
 14 March 2019

Item  
**5**  
 Public

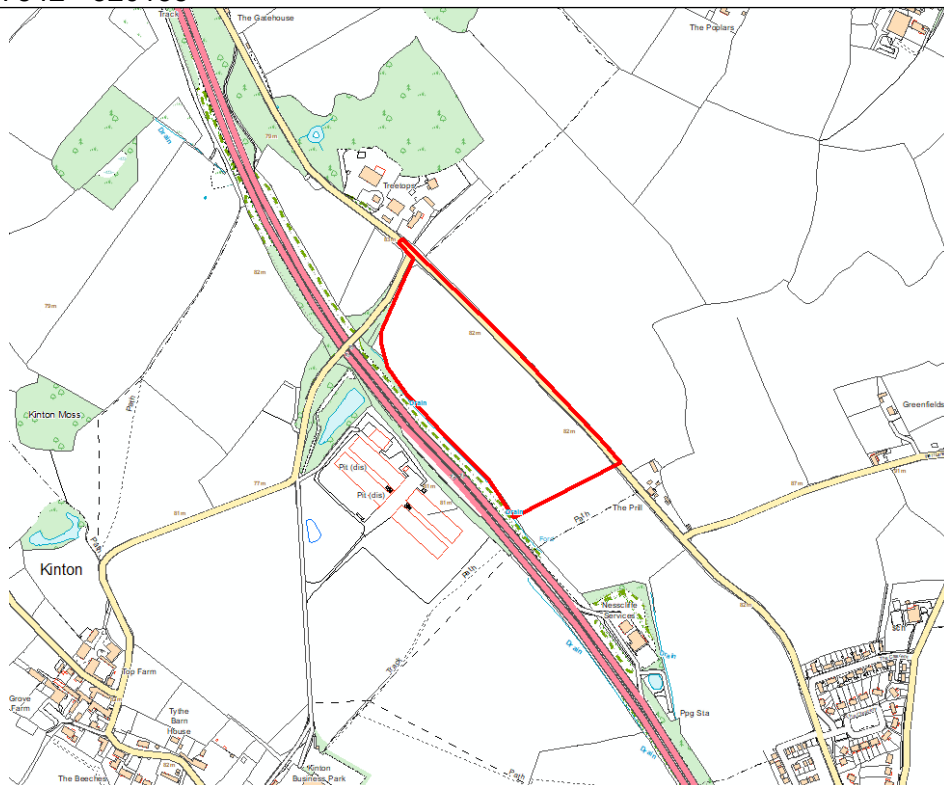
## Development Management Report

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> 18/04965/FUL	<b><u>Parish:</u></b>	Great Ness
<b><u>Proposal:</u></b> Erection of a new crematorium with associated access, car parking and landscaping		
<b><u>Site Address:</u></b> Proposed Crematorium North of Nesscliffe Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr Ed Aldridge		
<b><u>Case Officer:</u></b> Kelvin Hall		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 337542 - 320155



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:** Delegate authority to the Planning Services Manager to grant planning permission subject to the conditions as outlined in Appendix 2, with any amendments to these conditions as considered necessary.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a crematorium on land to the north of Nesscliffe. The proposed building would include a chapel and associated porch, vestry and waiting room; a cremator room; a reception, general offices and storage. The complex would appear as two joined, single-storey buildings with a pitched roof. A porte-cochere would form the building frontage and the location at which people would enter the building. The main chapel building would be 7.6 metres high; the operational part of the building would be 6.7 metres high and this would include a chimney rising to a height of 7.5 metres. The external materials would include brick walls; slate roof tiles; timber fascia, trusses and window frames; and timber columns to the porte-cochere.
- 1.2 The main car park would be situated to the north of the building. There would be a water feature to the west of the building, with a floral tribute area further to the west. Roadways would be tarmac; parking areas would be porous paving; and paths would be a mix of tarmac and block pavers. The illustrative landscape masterplan indicates that the remainder of the site would comprise a mix of landscape planting, amenity grassland and informal gravel pathways. There would be an attenuation pond at the western corner of the site.
- 1.3 Vehicle access to the site would be via a new two-way access onto the Holyhead Road to the east. The timber entrance gates would be set back from the public highway, and post and rail fencing would be erected either side to connect to the existing roadside hedgerow. The opening hours of the facility would be 0900 – 1700 Monday to Friday, and 0900 – 1330 on Saturdays.
- 1.4 The application is accompanied by a detailed set of reports, including: an air quality assessment; an arboricultural impact assessment; an ecological appraisal; a Flood Risk Assessment; a groundwater risk assessment; a historic environment assessment; a Landscape and Visual Impact Assessment; a need report; a noise impact assessment; and a Transport Statement.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the northern part of an arable field that occupies land between the A5 trunk road and Holyhead Road, approximately 330 metres to the north of the village of Nesscliffe. The site extends to approximately 7.7 hectares. Its northern part is broadly flat, at an elevation of approximately 81m AOD. The land rises gently to the south to a level of around 87m AOD, forming a shallow hillock at the southern side of the site. The north-western, north-eastern and south-western boundaries of the site are formed by hedgerow, and there is a belt of off-site planting at the western corner. The south-eastern side of the site is open to the remainder of the field. A public footpath

runs between the A5 and Holyhead Road, approximately 50 metres beyond the south-eastern side of the site. The A5 at this point is in a cutting and is therefore at a lower level than the site. Surrounding land is predominantly in agricultural use. On the opposite side of the A5 is a large poultry unit. Alongside the north-western boundary is the road to Kinton village.

2.2 The nearest residential properties are the two dwellings at The Prill. The property boundary would be approximately 20 metres from the south-eastern corner of the site and approximately 260 metres from the proposed building. Holmwood is approximately 35 metres from the northern corner of the site and 270 metres from the proposed building.

2.3 Further afield, approximately 600 metres to the south-east, the land rises up to approximately 161 metres to form the wooded Nesscliffe Hill. This area includes Nesscliffe Hill Camp, a scheduled monument. Hopton Hill, approximately 161 metres, and The Cliffe, approximately 157 metres form two further hills to the east, 1km and 1.5km away respectively. These hills together form the Nesscliffe Hills and The Cliffe Countryside Heritage Site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The officer recommendation is contrary to the views of the Parish Council and in addition the local Member has requested that the application is determined by Planning Committee. The Planning Services Manager in consultation with the Committee Chairman has agreed that the local Member's request and the views of the Parish Council are based upon material planning reasons, and as such a Committee decision is required.

### 4.0 COMMUNITY REPRESENTATIONS

4.1 **Consultee Comments** (these have been summarised where appropriate – the full comments can be viewed on the online planning register.)

4.1.1 **Great Ness & Little Ness Parish Council** Objects. It is not in a sustainable location and not well placed to serve relevant populations - new development is being concentrated in Shrewsbury/Telford, less towards Oswestry. The applicant has failed to demonstrate what alternative sites have been considered and why is this the optimum site. Key concerns include traffic impact, visual impact including on setting of Nesscliffe Hill and open countryside, nearby ponds, possibility that it is an archaeological site, proximity to 2 nearby houses.

We further note that there is capacity at other crematoria in the area (Shrewsbury/Telford/Wrexham) and development of this site could undermine the sustainability of the Shrewsbury and Wrexham sites by taking business away from them.

4.1.2 **Environment Agency** No objections.

We consider that the proposed increased depth of the soakaway system from 2m to c.2.6m bgl is marginal, especially given the recorded groundwater level in nearby

boreholes is in the range of 72.2 to 72.8 mAOD. We note that Drawing No. 402.02845.00035/SK.02 indicates base of soakaway at 78.2 mAOD (c. 2.7m bgl). Based on the information provided we consider that there is likely to be a significant unsaturated zone between the base of the soakaway and groundwater level. Therefore we consider that the risk to controlled waters is acceptable. The remaining comments and conditions provided in the previous response remain valid.

This site is located above a Principal/Secondary Aquifer, Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and is adjacent to a surface water course (field drain). The site is considered to be of high sensitivity and the proposed use could present potential pollutant/contaminant linkages to controlled waters. We generally concur that the risk to controlled waters from scattering/interring of ashes is low; however, the field drain along the western boundary should be protected and therefore no scattering/interring of ashes should take place within 10m.

We understand a bund will be constructed at the low end of the site as shown on Drawing No. 003. The bund should not be constructed from contaminated materials and should be designed and constructed such that any potential failure of the bund (e.g. flooding or collapse) should not impact the adjacent A5 road.

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

It is recommended that a condition is added to prohibit interring or scattering of ashes within a minimum distance of: 50 metres from a potable supply (including wells and boreholes); 30 metres from a water course or spring; and a minimum of 10 metres distance from field drains. Interrings shall take place within the unsaturated zone

- 4.1.3 **Historic England** No objections. The proposed crematorium is within c.700 metres of an iron Age Hillfort on Nesscliffe Hill, a scheduled ancient monument. The development proposal will not have a direct impact upon the hillfort, although will have some impact upon it due to development within its setting - defined by the NPPF as the surroundings in which a heritage asset is experienced. The application is accompanied by a Historic Environment Desk-Based assessment by Wessex Archaeology. In our view the impact upon the significance of the hillfort would be affected somewhat because the new development would introduce a new and relatively large feature into an open agricultural landscape. This open farming landscape of the Severn Valley adds to the significance of the hillfort as the people who built the hillfort and lived in the area are known also to have extensively farmed the same landscape, and the presence of this fertile plain helps to explain why the hillfort was sited at this location. We also note that the proposed crematorium development is low density, generally low rise, includes substantial areas of open landscape, and includes provision for screening. In overall terms our view is that the impact upon the significance of the hillfort caused by development within its setting is less than substantial.

In terms of the site itself, we concur with Wessex Archaeology's report in ascribing some archaeological potential to the area. We would therefore recommend that, should the Council wish to grant planning permission, they consult with their specialist archaeological advisor regarding an appropriate mitigation strategy.

The issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF, including paragraph 196.

**4.1.4 SC Conservation** The further revisions to the design and external materials and finishes of the scheme have generally addressed our earlier comments. Further consideration of a more locally sourced natural slate is recommended as the proposed slate is somewhat visually harsh and overly consistent.

The proposal would be sited centrally in what is currently a large linear agricultural field in a rural location just north east of the small settlement of Kinton. The field is bounded by the old A5 and the A5 Bypass just north of the Nesscliffe Services. The nearby settlement of Kinton is made up of a mix of designated and non-designated heritage assets, while to the east the Nesscliffe Hill Country Park contains both the Nesscliffe Hill Camp Scheduled Monument and Kynaston's Cave Scheduled Monument.

Due regard should be given to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the 2018 revised National Planning Policy Framework (NPPF) and Historic England Guidance, particularly The Setting of Heritage Assets.

The submitted Historic Environment Desk-Based Assessment assesses the impact of the proposed development on both sites of archaeological interest and on designated and non-designated heritage assets within the immediate and surrounding area and is considered to meet the requirements of the relevant sections of the NPPF and Policy MD13.

We would refer you to the suggested planning conditions from the review of the Landscape and Visual Impact Assessment regarding landscaping details and long term maintenance to help mitigate impact.

This is a visible site adjacent to several highways and is read against a largely rural landscape from most views, and this would include a large poultry farm to the immediate west of the site, and efforts to fully minimize the visual impact of this proposed facility through both landscaping mitigation and with respect to appropriate building design within this rural context is important should the proposal be considered acceptable in planning terms. Recessive finishes in materials appropriate to this rural setting will be key, including roof finishes where we had suggested a 'green roof' for consideration. There may also be scope to incorporate further external materials and finishes found within the local context including the appropriate use of local stone and this should be further considered. A subtle mix of finishes to also include horizontal boarding for example may be more appropriate within the context of the area. Surface finishes to the parking areas and access lanes will need to be recessive and vegetative screening

and natural landscaping and boundary treatments again appropriate to this setting is required.

Should the application be approved on this site for this type of development, appropriate conditions to agree final external materials and finishes and window and door details, as well as site surface finishes, will need to be imposed.

- 4.1.5 **SC Archaeology** Recommends a condition. The proposed development site is located c.750m north-west, and within the setting, of the Scheduled Monument of Nesscliffe Hill Camp. A cropmark pit alignment, which is likely to represent at form of later prehistoric land boundary, is also present on the proposed development site itself. In addition, a cropmark ring ditch is located to the north of it, immediately north of the road (former A5) north-west from Nesscliffe village. As a result, the proposed development site is considered to have moderate-high archaeological potential.

An Historic Environment Desk-based Assessment by Wessex Archaeology has been submitted with the application. This assesses the impact of the proposed development on the significance of the Scheduled monument and archaeological interest of the development site itself, and we therefore consider that it satisfied the requirements set out in Paragraph 189 of the revised NPPF and Policy MD13 of the Local Plan.

We note the advice contained in Historic England's consultation response. In particular, and with reference to Paragraph 196 of the Framework, Historic England conclude that proposed development would introduce a new and relatively large element into the hillfort, thereby altering the open, agricultural nature of its setting and affecting its significance somewhat. However, they also note that the proposed development will be low density, low rise and incorporate large amounts of landscaping, including screen planting. As a consequence, they conclude that the proposed development will cause less than substantial harm to the significance of the hillfort as a result of development within its setting. On this basis they raise no objection to the proposed development subject to the balancing exercise required by Paragraph 196 of the Framework being undertaken.

With regard to the archaeological interest of the proposed development site identified in Historic Environment Desk-based Assessment, and in relation to Paragraph 199 of the revised NPPF and Policy MD13 of the Local Plan, it is advised that a phased programme of archaeological work be made a pre-commencement condition of any planning permission for the proposed development. This should comprise an initial field evaluation, consisting of a geophysical survey of the proposed development site together with a targeted trial trenching exercise, followed with further mitigation work as appropriate.

- 4.1.6 **Natural England** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

International sites – Midlands Meres and Mosses Phase 1 Ramsar (Fenemere): Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Midlands Meres and Mosses Phase 1 Ramsar



and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The air quality assessment submitted in support of the application indicates that the emissions will be below the threshold that the Environment Agency considers significant for impacts on designated sites.

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C-323/17 ). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Lin Can Moss Site of Special Scientific Interest: Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice In their consultation response Natural England have provided further general advice on the consideration of protected species and other natural environment issues.

4.1.7 **SC Ecologist** Recommends conditions. A Preliminary Ecological Appraisal was carried out on this site, and these comments are based on the findings of this report.

Designated Sites: Lin Can Moss SSSI lies approximately 700m to the north of the site. The site lies within Natural England's Impact Risk Zone layer and hits the trigger for 'Any industrial/agricultural development that could cause Air Pollution'.

Habitats: The site comprises an arable field, bounded by hedgerows on three sides with a small area of broad-leaved plantation woodland adjacent to the north western boundary. A margin of tall ruderal surrounds the arable field, forming an understorey to the hedgerow. The hedgerows are species-rich, intact, semi-mature and not gappy, appearing to be infrequently managed, and box cut though not recently.

The ecology report states that where new landscape planting is proposed species commonly occurring locally could be used, with other species making attractive additions to the site. Ideally a species rich grassland mixture should be incorporated within the boundary buffer habitats.

Great crested newts: Three ponds were identified within 500m of the site. The closest of these is 55m west; a trunk road (A5) separates this waterbody from the site. Two other ponds fall beyond 250m from the site boundary and as such outside the intermediate zone of influence. Additionally, one of these is considered to be located

beyond a barrier to dispersal in the form of main roads which lead to Nesscliffe and Kinton. The other is located adjacent to the Nesscliffe services, just off the A5.

The peripheral vegetation on site, including the hedgerow and tall ruderal margin provide some, albeit limited, opportunities for foraging, refuge and commuting for GCN.

The arable field is an area of high disruption and as such is considered sub-optimal for GCN. As such, no amphibian populations utilising these waterbodies will be impacted by development of this site, and no further surveys are recommended. Current proposals include the retention and enhancement of the boundary vegetation, with only a small section to be removed to allow access onto the site. The working methods recommended will ensure that any amphibians that enter the site will not be harmed during the works.

Bats: No trees or buildings were located onsite, and as such no roosting opportunities were present on site for bat species. The broad-leaved woodland located adjacent to the north western boundary' and hedgerows may be used by foraging and commuting bats. The landscaping scheme will enhance the site for bats. The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance.

Birds: The hedgerows provide potential nesting opportunities for a range of bird species. Hedgerow removal should take place between September and February to avoid harming nesting birds. The landscaping scheme will enhance the site for birds.

Badgers: The survey identified a badger latrine close to the south eastern boundary of the site. However, no evidence of badgers on site was found. Given the existing records of badger within 2km of the site it is likely that badgers may be utilising the site for commuting and foraging especially via the hedgerow. A pre-commencement badger survey should be carried out to ascertain whether badgers have built any setts in close proximity to the development area before works commence. If any sett-building activity is observed within 30m of the site during the survey then a mitigation strategy will be required that sets out appropriate actions to be taken during the works.

Other species: Records of brown hare and hedgehog were identified within 2km of the site boundary. The hedgerows and arable land on site may offer commuting and foraging habitat on site for both the above species.

Working methods should be followed to protect common amphibians, reptiles and small mammals that may enter the site during the works, as detailed in the ecology report.

Conditions and informatives: Conditions are recommended to require a pre-commencement badger survey and prior approval of any external lighting.

[The full consultation response is available on the planning register.]

4.1.8 **SC Trees** No response received.

4.1.9 **Ministry of Defence - Defence Infrastructure Organisation** Raises issues. The Defence Infrastructure Organisation (DIO) is part of the Ministry of Defence (MOD)

responsible for building, maintaining and servicing the infrastructure that the men and women who serve our country need to live, work, train and deploy on operations.

Following the submission of application 18/4965/FUL, DIO wishes to draw the Council's attention to potential noise and disturbance issues affecting the site which may not be reflected in the submitted Noise Impact Assessment.

The proposed crematorium is sited in an area within which high levels of noise and disturbance may be experienced due to MoD activity. The site falls within Low Flying Area 9 (LFA9), and is situated between RAF Shawbury, which is the home of the the Defence Helicopter Flying School and Central Flying School (Helicopter) Squadron and Nesscliff Training Area.

LFA9 is a dedicated military helicopter training area covering Shropshire and parts of surrounding counties, where high volumes of air traffic occur. Whilst activity may be focussed on RAF Shawbury and the Relief Landing Grounds of Tern Hill and Chetwynd, a substantial amount of aircraft movements take place in to, out of and around Nesscliff Training Area. Whilst flying activity can take place at any time to meet operational requirements, regular activity is likely to occur from Monday to Friday, between 0830 and 1700. For information, regular night flying will also take place in the hours of darkness Monday to Friday.

On the average weekday, it is estimated that the area in which the crematorium is proposed would usually be overflowed, or experience nearby, low flying activity on 12 to 18 occasions. This would include helicopters navigating/transiting close to Nesscliff Training area as well as helicopters operating in the training area.

Nesscliff, the boundary of which is approximately 1.2km to the west of the proposed crematorium site, is a 681ha Training Area suitable for Squadron/Company sized dismounted operations, helicopter operations, Field Hospital/Field Workshops and Logistics Base training. There is also limited use of light armour on established hardstands, watermanship training and adventurous training. Nesscliff Training Area has numerous training facilities which include 10x large stone tents, 1x farm complex, 1x Forward Operating Base (basic), 1x large field circuit with hardstanding and numerous bivouac areas. In the training year 2016/17 Nesscliff was also used by a multitude of regular, reserve and cadet units, in order to achieve their training aims, 65,730 man training days were recorded. Training using battle simulated charges (explosives) takes place within the area. Therefore, as per helicopter activity, it is highly likely that regular noise from both land-based training activity and explosives would be heard in the area of the proposed crematorium throughout the working week, but possibly also at weekends.

Paragraph 182 of the National Planning Policy Framework (2018) states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were permitted" before going on to require the applicant or agent of change to "provide suitable mitigation before the development has been completed."

Whilst the content of the submitted Noise Impact Assessment is noted, as the survey

does not cover a five day, Monday to Friday period, a complete picture of the potential impact of military aviation or training activity on the proposed crematorium has not been provided. Such a survey may aid the applicant in preparing a mitigation strategy if required to minimise any potential noise and disturbance that may result from operational activity.

Every effort is made to avoid aircraft overflying crematoria where there is no restriction or detriment to training. The proposed crematorium site, by virtue of its location, may experience unavoidable noise and disturbance from both low flying aircraft and the training area, any impact exacerbated by the noise sensitivity of the intended use. It should be noted that due to the position of the proposed site, avoiding daily funeral services would effectively funnel Defence Helicopter Flying School aircraft, potentially creating a noise nuisance elsewhere, and increasing the likelihood of a mid-air collision.

- 4.1.10 **SC Landscape consultant – ESP Ltd.** No significant issues raised. The LVIA has been prepared in a proportionate manner in compliance with GLVIA3, and we are confident that its findings are reliable, however, clarification on predicted cumulative effects is required.

Planning conditions should be imposed to required submission and implementation of landscape details, protection of soils, maintenance of new planting and details of proposed lighting.

- 4.1.11 **SC Public Protection** The proposed crematorium will require a permit before any operation.

- 4.1.12 **Highways England** Recommends conditions.

Following the most recent submission of information by the applicant, we recommend that all of the previously outstanding matters have been resolved at least to the extent that planning permission can be granted subject to conditions to cover the following matters:

- Submission of detailed assessment of slope stability and water retaining soil bund design for approval prior to changing ground levels within 5 metres of the trunk road highway boundary and/or crest of the A5 Earthwork
- Implementation of noise mitigation strategy prior to first use of the site
- Submission of details of surface water drainage matters for approval.

Signage Strategy: The applicant has stated that any directional signs proposed as part of the crematorium signage strategy will be solely located within the local highway authority therefore there will be no requirement for signage to be located on the Trunk Road Network. The location of directional signs implemented within the local highway network may possibly have an impact on the SRN particularly at A5 Junctions with the local highway network therefore Highways England would have an interest in the discharge of any Local Highway Crematorium Signing Strategy condition to ensure safety of the A5 Trunk Road is not compromised. Highways England agrees that a Signage Strategy is not technically required on the A5 due to low traffic impact on the Strategic Road Network and that this is a separate local concern which the applicant and Local Planning Authority will need to consider.

Drainage Matters: The original drainage proposal involved use the existing drainage ditch along the western site boundary to convey greenfield run-off (i.e. surface water) from areas ‘upslope’ of the crematorium (i.e. no roads or car parks) to the new pond. It is understood that the existing drainage ditch is a Highway England Drainage Asset.

The drainage design has been revised to incorporate a new ditch within the site. On this basis the existing drain that runs along the outside of the south western boundary of the site will be unaffected by the works. The proposed new swale along the site boundary addresses concerns raised in terms of potential impact with the SRN drainage system. HE however, would still have an interest in the detailed drainage design due to the close proximity of the site to the SRN boundary and therefore it is recommended that a suitably worded detailed drainage design condition is applied to any consent.

Proposed Bund: Further detail has also been provided in regard to the proposed soil bund required to prevent exceedance flows onto the A5 trunk road located within close proximity of the A5 boundary. The principle of the bund appears acceptable, however, as the bund is located with 5 metres of the SRN Boundary, detailed design of the proposed water retaining soil bund and a supporting slope stability assessment in accordance with DMRB standard HD22/08 Managing Geotechnical Risk must be provided to demonstrate the structural integrity of the earthwork is sound for its intended purpose, and that it will not impact on any SRN assets or the safe operation of the A5 in accordance with DfT 02/2013 para 49. It is recommended that the submission of this additional information could be dealt with as a condition of consent.

Traffic Impact: The Transport Statement submitted states that a maximum of 4 services will be held per day on average with the services being undertaken between 10.30am and 15.30pm. A small number of staff would be expected to arrive and depart from the site during the peak periods. Due to the nature of the type of development it is accepted that friends and family are likely to travel to the site together in private vehicles.

The type of development is not represented within the TRICS database therefore an independent survey has been undertaken at a similar development site managed by the proposed operator which indicates that the average level of attendance of a service is 46 people with average car occupation of 2 per car. Based on the survey, the transport consultant indicates that the proposed level of daily arrivals would be 92 vehicles (23 arrivals per service) and daily departures would be 92 vehicles (23 departures per service) during the operating hours of the crematorium with 4 staff movements within the AM and PM Peak periods. Two thirds of the development traffic is expected to route from the A5 Trunk Road via Wolfshead Roundabout and one third from Felton Butler Roundabout.

We conclude that from a traffic impact perspective the development is unlikely to have a severe impact on the safe operation of the SRN.

Landscape and Visual Impact: A Landscape and Visual Impact Assessment has been undertaken dated October 2018 to support the proposal which appears robust and considers prevailing policies and standards. The assessment concludes that due to the A5 trunk road being located in a cutting, the dense vegetation along the western site

boundary and the topography of the development site, the proposed development is unlikely to give rise to any significant visual impact affecting motorists on the A5.

Noise Impact: A Noise Impact Assessment has been undertaken to support the proposed development which also appears robust and considers prevailing policies and standards in accordance with DfT Circular 02/2013 para 45. Due to the close proximity of the A5 trunk road, vehicle noise is considered the key noise source likely to impact the proposed development.

The Noise Impact Assessment considers the nature and sensitivity of the type of development would be considered a sensitive receptor therefore has been considered against the criteria for listening (place of worship, meditation, relaxation) as outlined in BS82233:2014 which is accepted. The assessment determined that the predicted Chapel internal noise levels met the BS82233:2014 criteria when windows were closed however internal noise levels were exceeded by 24 db (worst case scenario) on all elevations of the chapel building when windows were opened for ventilation purposes. Mitigation is therefore proposed by installing trickle vents for ventilation which appears an appropriate and acceptable solution, however, would be dependent on the proposed detailed design.

As the key noise source impacting the development is attributed to vehicles on the A5 trunk road Highways England would have an interest in ensuring suitable mitigation is installed to ensure BS82233:2014 criteria is met and would seek to ensure a suitably worded condition is attached to any consent.

Flood Risk: The Flood Risk Assessment and Outline Drainage Strategy appears robust and in accordance with best practice and regulatory requirements. The site is located in Flood Zone 1, risk to the site is considered very low and does not require any site specific mitigation measures to be applied.

Foul Drainage: Due to the remote location of the development site, there is no mains foul water drainage system within close proximity of the site. A pre-packaged foul water treatment plant is therefore proposed to manage 'residential' type waste on site before discharging to ground via a drainage field. The applicant has considered the pre-treatment foul water treatment plant proposed in regard to its forecast use which appears to be adequate to accommodate for the development. The applicant also considers that they will need to adequately maintain the treatment plant and undertake further BRE 365 infiltration tests determine whether the means of discharge to ground is appropriate or not. The foul treatment plant is unlikely to impact the SRN, however, we would have an interest in the detailed design information due to the close proximity of the SRN Boundary.

4.1.13 **SC Highways Development Control** No objections subject to conditions and to the applicant confirming that they will provide a shelter for the cycle parking.

The impact this application will have on the local highway network is being considered from a highways perspective, a crematorium of this size would generally have a low impact. This is because the staff numbers are in single digits therefore even in the peak traffic hours they will have a minimal effect on the traffic flows.

Most of the associated business traffic to and from this crematorium is anticipated to happen outside the morning or evening peak traffic flows, the busier local highways have been assessed including Holyhead Road and the A5, they are expected to be able to accommodate the additional traffic.

Routeing: The route to and from the crematorium for the majority of users and visitors can be from the north or the south along Holyhead Road. However, the applicant is proposing to direct, where they can, that all traffic approach from the north using the Wolfshead roundabout. To support the use of this northerly approach the intention is to provide highway signage on the A5 and other highways where it will assist.

Access: Drawing No OSWO1\_P003 rev E sets out the design of the proposed access off Holyhead Road and is acceptable.

Internal Road layout: The internal road layout at a crematorium is important as it must be designed such that it allows for the incoming traffic to enter and park with ease while allowing for the exiting vehicles to egress with the minimum of impact. Consideration also has to be given to service vehicles moving around the site. The applicant has provided acceptable evidence that the internal layout can accommodate these types of vehicles.

Drawing No OSWO1\_P003 rev E sets out an acceptable internal road layout, as it is expected to cater for the free flow within the site while avoiding causing problems on the public highway.

Parking: The applicant has provided comments on their experience on the amount of parking required at crematoria. The Council accepts that there are sufficient parking spaces provided for cyclists, disabled driver parking and for other vehicle parking. The parking layout as set out on Drawing No OSWO1\_P003 rev E is acceptable.

To encourage staff use of cycles as a means of travel, the cycle stands should be covered. The applicant should be encouraged to agree to the provision of this type of shelter for the cycle stands offered on drawing OSWO1\_P003 rev E.

Directional Signage: The applicant is proposing to direct wherever it can be done through online and through literature, the use of a northerly approach to the crematorium via the Wolfshead roundabout. Thus, encouraging all drivers to avoid passing through nearby Nesscliffe village.

In addition, the applicant is proposing to negotiate with the highway authorities for the placing of directional signage at appropriate locations, to direct traffic to the Wolfshead roundabout approach to the crematorium. The applicant has not yet provided such information.

It is recommended that planning conditions are imposed to require that the access, car parking and visibility splays are completed prior to use.

4.1.14 **SC Rights of Way** No comments to make.

- 4.1.15 **SC Drainage** No objection. The proposed surface water drainage is acceptable. A condition should be imposed to require submission of details of surface and foul water drainage for approval.
- 4.1.16 **Outdoor Partnerships Country Parks Team** Objects.
- It would spoil the view from Oliver's Point, a key aspect of why people visit Nesscliffe Hill Countryside Heritage Site. The siting of the development is immediately in the line of site from this viewpoint
  - The proposed site is less than a kilometre away from Oliver's point, an elevated position that is directly in the prevailing westerly winds and any smoke pollution would have an impact on visitors using Nesscliffe Hill.
- 4.1.17 **Shropshire Fire Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>
- 4.2 **Public comments**
- 4.2.1 The application has been advertised by site notice and by direct notification to 12 residential properties and businesses in the local area.
- 4.2.2 Objections have been received from 17 properties and from Shrewsbury Homes. A summary of these concerns is below:
- Site is open countryside and should remain so
  - Location not supported by local funeral practitioners or their clients
  - Should be sited closer to Oswestry
  - Not close enough to Oswestry to meet the 30 minutes travel time
  - Site is 12 miles from Shrewsbury and 10 miles from Oswestry, and when town driving time is added these towns would be outside the 30 minute drive time
  - Query why other locations were not considered
  - Site only chosen due to land availability
  - Federation of Burial and Cremation Authority recommend siting on the urban fringe not open countryside on edge of small village
  - Inappropriate location for either Shrewsbury or Oswestry
  - Would mean cremations are main activity of the village
  - Application recently refused for housing development in Kinton as in open countryside
  - No evidence that site is more than 200 yards from houses
  - Scattering of ashes may be too close to houses and roads
  - Increased traffic through Nesscliffe village
  - A5 either side of Nesscliffe is one of the most congested roads around Shrewsbury; will make congestion worse
  - Traffic gets diverted through Nesscliffe village when accidents on the trunk road
  - Traffic from north and east would use narrow country lanes
  - Routing could not be enforced
  - Noise from A5
  - Many HGVs using public weighbridge at Kinton



- Additional traffic from visitors other than those attending services
- Minimal benefit to the local community
- Little employment opportunities – no economic benefit
- No social benefit
- Negative impact on other crematoria in area
- Delays at Shrewsbury crematorium were due to improvements, not capacity
- Shrewsbury, Telford and Wrexham crematoria all have capacity and are in towns with good range of public services and easily accessible
- Negative impact on residential amenity
- No reliable or regular public transport to the site; no train station; no footpaths
- Unsustainable as relies on car for transport
- Impact on Nesscliffe Hill, the Cliffe and Hillfort and landscape
- Impact on visitors to the area
- Adverse impact from car in car park, and glint
- Cannot be satisfactorily landscaped
- Visible from the primary school
- Smell of chicken sheds would reduce appeal of the site
- Impact from noisy MOD low flying activities which are persistent
- Funeral directors would insist that flying is restricted during funerals
- Developer may put severe restrictions on existing businesses: poultry farm and MOD
- Noise from helicopters, gunshot and game shoots
- Site is neither quiet nor secluded
- Full archaeological investigation should be carried out
- Impact on air quality from emissions
- No mention of odours in air quality assessment
- Unlikely that chicken sheds would have been granted if crematorium was already there
- Prevailing wind will blow odour from poultry units onto site
- Impact on health and community wellbeing
- Mercury and other noxious pollutants would be released within 500 metres of primary school and nursery; released when bodies containing dental amalgam fillings are incinerated
- Site may be extended in the future; will result in further ribbon development
- No national or local planning guidelines for crematoria
- Contrary to Development Plan; a departure from policy

#### 4.2.3 Five letters of support have been received:

- Good use of land
- Existing facilities at Shrewsbury and Wrexham involve considerable road journeys which add to the stress of mourners
- Existing facilities are old and experience operational difficulties leading to delays
- Delays at Shrewsbury and Telford crematoria resulted in the hospital hiring in emergency body storage in refrigerated units
- Service times at existing facilities are too short due to high demand
- Would reduce waiting times and travel distance
- Need for an additional facility to the north/north-west of Shrewsbury
- Wait time of 3-4 weeks is becoming normal, unless other further away facilities are used

- Shrewsbury crematorium is dirty with poor standards of decoration; outdated design; hemmed in by memorial and burial grounds; little ability/incentive to improve
- Crematorium near Oswestry would meet growing demands of ageing population
- Good access via dual carriageway; ample car parking
- Sufficient distance from Nesscliffe

#### 4.2.4 **Nesscliffe Hills & District Bridleway Association – Parish Paths Partnership Group** Objects.

- Site should be closer to the population it is intended to serve, i.e. Oswestry, this would free up more space at Shrewsbury crematorium which does have spare capacity
- Location is right on the limit or beyond the recommended travel distance for anyone travelling from Oswestry
- Notoriously bad section of the A5, which often has accidents and hold ups
- Impact on horse riders who use the old A5 to reach off-road riding routes in Nesscliffe Hills
- Visual impact from viewpoints on these Hills, in foreground to views to Welsh Hills; impact on tourism; views were featured on ITV programme
- Impact on view from bridleway around bottom of Nesscliffe Hill
- Impact on users of the bridleways forming part of the Shropshire Council-promoted tourism routes of the Humphrey Kynaston Way, a long distance Linear bridleway route, which has to use a section of the old A5 through Nesscliffe; viewpoint over this proposed site features in the booklet; impact on views from Humphrey Kynaston Nesscliffe Circular Route and the Shropshire Way, and from Oliver's Point by Nesscliffe Hillfort
- Funeral corteges would cause delays to tourists and horse riders
- Air pollution impacts to users of Nesscliffe and Cliffe Hills blown by prevailing wind from west
- Changed from rural view to an urban one; difficult to screen
- Impact on historic landscape
- Impact from funeral corteges on horseriders who use this section of the old A5 and bridge over bypass to Kinton
- Additional traffic using narrow country lanes through villages for people living to the east
- Query why no up-to-date figures have been provided of capacity at other crematoria, or evidence of any specific capacity shortfall
- Query why no details given of other possible alternative sites that were considered
- Will not deliver 'significant community benefit'; not 'respectful of local character'
- Impact on sensitive receptors passing close by
- Does not meet requirements of policies CS5, CS6, CS7, CS16 or CS17 of the Shropshire Adopted Core Strategy
- impact on the unique character, visual heritage, landscape, and recreational values and functions of these assets, and their immediate rural surroundings, including the bridleways that provide local leisure routes and connecting corridors to the wider network, providing informal recreation for local communities and tourists. It will impact on health and community well being, and on maintaining air quality

- impact on strategic leisure routes and Nesscliffe Countryside Heritage Park which contribute to the offer within Shropshire

4.2.5 **RAF Helicopter Noise Liaison Group** Objects. The development of a crematorium would have irreversible and detrimental effects on the tri-service helicopter training from RAF Shawbury. Nesscliff camp is a major part of LFA 9 (Low Fly Area 9). Having to avoid overflights of funerals at the crematorium would possibly result in the use of Nesscliff Camp by the RAF as unsuitable in the future, concentrating the low level helicopter activity over the rest of LFA 9.

## 5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
  - Statement of Community Engagement
  - Planning policy context; principle of development
  - Need and general location considerations
  - Siting, scale and design; impact upon landscape character
  - Residential and local amenity considerations
  - Historic environment considerations
  - Traffic and access considerations
  - Ecological considerations
  - Pollution considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment

6.1.1 The Council issued a Screening Opinion for the proposed development in November 2018 (ref. 18/04543/SCR). This stated that the application falls within category 11(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is therefore Schedule 2 development as the area exceeds 0.5 hectare. In making the Screening Opinion the proposal was considered against the selection criteria in Schedule 3 of the 2017 Regulations and also to advice contained in Planning Practice Guidance on Environmental Impact Assessment. The Screening Opinion confirmed that it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such an Environmental Impact Assessment is not required.

### 6.2 Statement of Community Engagement

6.2.1 The NPPF encourages pre-application engagement. Para. 128 of the NPPF states that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. It states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

6.2.2 The applicant sought pre-application advice from the local planning authority, and also held a pre-application public consultation event in Nesscliffe to which there were 117 attendees. Details of this are contained in the applicant's Statement of Community Engagement. This states that, of the 48 comments made, 50% were objections, 33.3% were in support and 16.7% were neutral. The objections included the following points: lack of need; too close to the village; wrong location; traffic impacts; too close to chicken

farm (smells); noise from nearby A5 and RAF helicopters; visual impact from Nesscliffe Hill and Oliver's Point. The support comments included: need for the facility; good access; peaceful and tranquil; well-designed layout and building; good job prospects; wildlife protection and landscaping measures welcomed.

- 6.2.3 The Statement of Community Engagement states that the applicant has taken all of the representations made into consideration and has concluded that there are no specific revisions required in order to directly address the concerns raised. As noted above there are a number of detailed reports submitted with the application which cover the issues raised at pre-application stage.

### **6.3 Planning policy context; principle of development**

- 6.3.1 The application site lies on a greenfield site in a rural location and in an area classed as countryside for planning policy purposes. Core Strategy policy CS1 of the Development Plan states that in rural areas development and investment will be located predominantly in Community Hubs and Clusters. The village of Nesscliffe is defined as a Community Hub, however the site lies outside of this.

- 6.3.2 Core Strategy policy CS5 seeks to protect the countryside from inappropriate development. It states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. It states that this would include small-scale new economic development diversifying the rural economy, and required community uses and infrastructure which cannot be accommodated within settlements. Policy CS8 seeks to preserve and improve access to facilities and services wherever possible. Paragraph 84 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

- 6.3.3 The application explains that the general principles of siting of crematoria are set out in the Cremation Act 1902. This states that these facilities should not be constructed '*nearer to any dwelling house than 200 yards (182m) except with the consent, in writing, of the owner, lessee and occupier of such house, nor within 50 yards (46m) of any public highway*'. This 200-yard rule restricts the development of new crematoria in urban areas, and in effect directs their siting to urban fringes or rural locations. Site selection and need considerations are discussed below. However officers accept, having regard to policies CS5 and CS8, that the siting of a crematorium within the countryside is acceptable in principle.

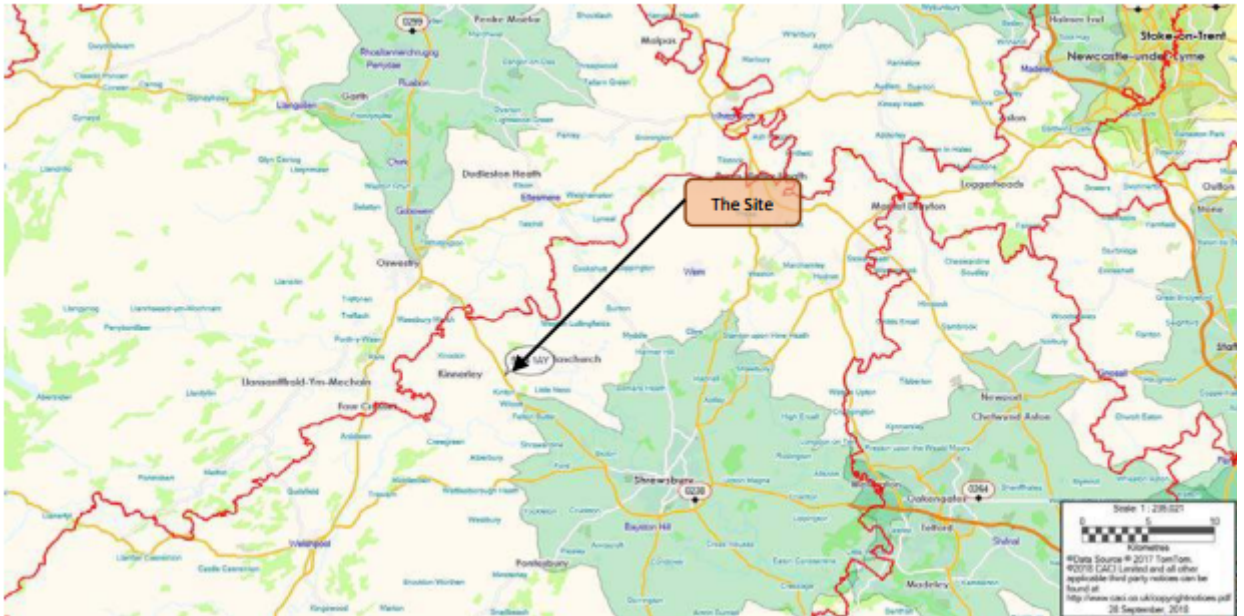
### **6.4 Need and general location considerations**

- 6.4.1 The application is accompanied by a detailed report on the need for the facility, and also details of the site search methodology.

- 6.4.2 Background: The need report identifies that the elderly population of Shropshire is set to grow by 54% from 2016 to 2041. It states that the cremation rate is more than 79% and is set to rise over this period.

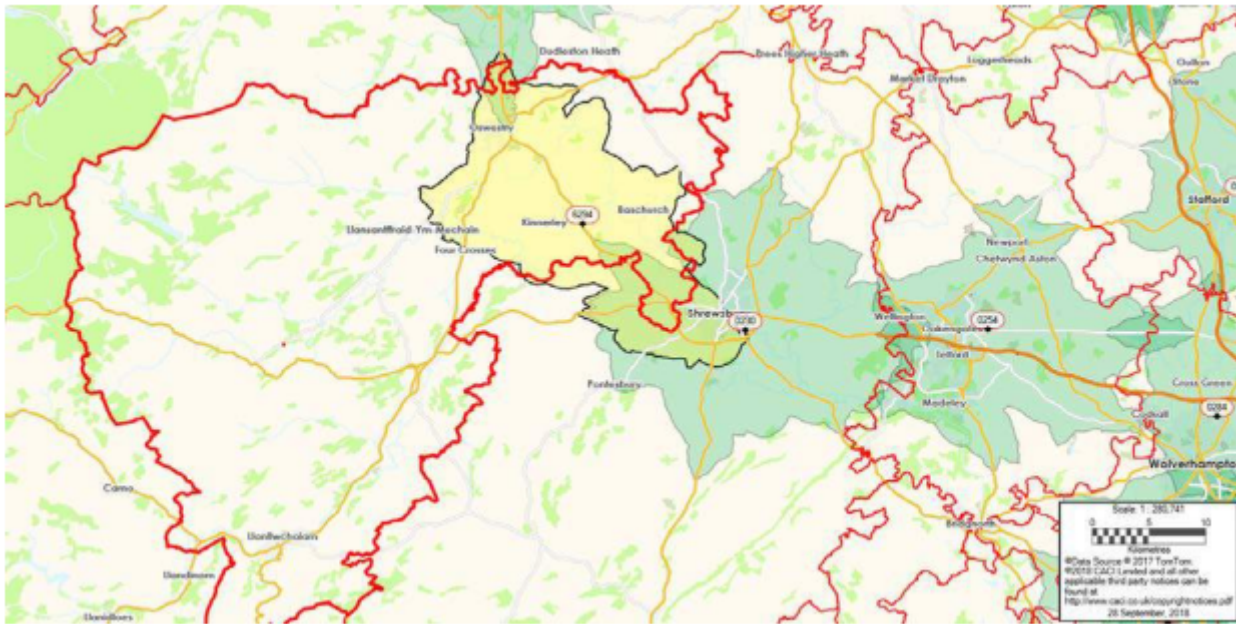
- 6.4.3 Drive Time: The need report states that it has been accepted at planning appeals that

a funeral cortege should not have to travel more than 30 minutes to reach the crematorium. The existing crematoria in the area are at Shrewsbury (Emstrey) and Wrexham. The applicant has provided a Drive Time map (see below) which indicates that there is a large geographic area to the south of Oswestry and north of Shrewsbury which is beyond a 30-minute drive time for any of the existing crematoria. This is estimated to encompass around 35,000 people.



Current 30-minute Drive Time and Catchment Map [Source: applicant’s Need report]

6.4.4 The need report suggests that the proposed crematorium would be the nearest facility for nearly 92,000 people, and a total of 85,000 people would live within a 30 minute cortege drive time of it. Based upon average deaths per year, cremation rates, and other factors, the applicant estimates that the facility could cater for around 838 cremations per year which would otherwise be held at less convenient sites. The applicant’s map below indicates the geographic area which would be within a 30-minute drive of the proposed crematorium.



Current Drive Time (green) and Proposed Drive Time (yellow). [Source: applicant's Need report]

- 6.4.5 Capacity of existing crematoria: The need report identifies that the Quantitative Standard for capacity of a crematorium is 80% of its Practical Capacity. It states that on average over the last three years both the Shrewsbury and the Wrexham crematoria have been operating at 110% of their Practical Capacity, and that this is well in excess of the Quantitative Standard. The report goes on to say that the consequences of this is congestion around the building and car park, leading to a mix of funeral parties and not providing the dignified and reflective environment the bereaved should have. It also states that the average delay to funerals at Shrewsbury and Wrexham is 3 to 4 weeks, with these being worse in winter.
- 6.4.6 Based upon the detailed assessment provided in the applicant's need report, officers accept that the provision of a new crematorium to serve the area between Shrewsbury and Oswestry would ease the pressure on the Emstrey and Wrexham sites, provide a more convenient facility for this catchment and may enhance the experience for mourners.
- 6.4.7 Site search methodology: There is no policy requirement for applications to detail the site selection process however the applicant has agreed to set out the site search methodology. Officers consider that it is useful background information in helping to understand the justification for selecting the proposed site. Following the identification of the need for a new crematorium in the locality, the applicant states that around 60 sites were initially identified through a desktop and site inspection process. The preferred site was identified through application of site selection criteria and discounting of other sites. The applicant states that the other sites were discounted for reasons which included: cortege and public access to the site; highways safety; visual impact; noise; flood plain; planning policy designations; exclusion zones of Cremation Act 1902; viability.
- 6.4.8 Justification for location: A number of representations have raised concern that the

proposed location has not been justified, and the comments of the Parish Council that the facility would not be well placed to serve relevant populations are noted. The catchment area extends into parts of Wales, and this is because the nearest crematorium to the west is at Aberystwyth. However the main centres of population that would be served by the facility would be at Oswestry and Shrewsbury. The Parish Council has suggested that as new development is being concentrated in Shrewsbury/Telford rather than Oswestry, the facility should be located closer to Shrewsbury. However the applicant anticipates that, based upon the predicted catchment area, the location of population centres and the available routes to the site it is likely that around two thirds of mourners would arrive from the north. Locating the facility either closer to Oswestry or closer to Shrewsbury would benefit one of those towns in terms of drive time at the expense of the other. In principle therefore, Officers accept that this general location is justified given the drive-time benefits it would bring to significant numbers of residents.

## **6.5 Siting, scale and design; impact on landscape character**

- 6.5.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy CS16 seeks the delivery of high quality sustainable tourism. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and this has been reviewed by the Council's landscape consultant ESP Ltd. who consider that the findings of the LVIA are reliable.
- 6.5.2 The site itself is not designated for landscape protection however the LVIA considers the landscape to be attractive and of 'high' value. The site is visible from immediately surrounding public viewpoints including the Holyhead Road, the Kinton road and public footpaths, and also from the higher ground associated with the Nesscliffe Hills and The Cliffe to the east. The area of the site is relatively large however the built elements would be concentrated within the lower, relatively central part of the site, to the north of the raised part of the field. The building would be set back from the Holyhead Road to the east by approximately 100 metres. It would be generally low-rise, with a height lower than a standard two-storey dwelling, and this would facilitate screening from lower level viewpoints. Peripheral areas would predominantly be landscaping and amenity grassland. This separation distance and the existing and proposed landscaping would reduce the general visibility of the development in the immediate area, and help to assimilate the development into the wider landscape.
- 6.5.3 Landscaping: The surrounding area is characterised by small copses and woodland and the proposed structure planting at the site is designed to replicate this. Species would be predominantly native and reflect those found locally. There would be a mixture of understorey and larger trees to provide a robust structure. In addition to the structure planting it is anticipated that there would be areas within the grounds where memorial tree planting could be undertaken.

- 6.5.4 External materials: Revised details of external materials have been submitted following discussions with Officers. It is now proposed that local sandstone would be used for flank walls at the site to reflect the use of these materials locally. The proposed use of brick walls and slate roof would provide a generally recessive appearance and in principle the external materials are considered to be acceptable subject to precise roofing details being agreed by planning condition. The substantial landscaping proposed would filter views of the development from surrounding areas.
- 6.5.5 Impact on landscape character: The LVIA includes a representative sample of viewpoints to assist with the assessment, and these include views from public rights of way and public highways both close to the site and further afield. It has assessed the impact of the proposals on the different local landscape character areas in the vicinity of the site. The proposed development would introduce built form to an area visible from the Nesscliffe Hills. The proposed landscaping would help to reduce this impact. The LVIA suggests that there would be a 'minor adverse' effect on this landscape character area and that this would reduce to 'negligible' in the long term as the planting develops. From Nesscliffe village it is considered that the impact would be minimal due to the intervening hillock and the proposed planting. The proposal would alter the nature of the local arable landscape associated with a change from agricultural use. The LVIA considers that the impact on this local landscape type would be 'moderate' adverse in both the short term and the long term, but that this would not be significant beyond the site boundaries.
- 6.5.6 The LVIA concludes that the generous areas of structure planting proposed within the site would help to assimilate the site into its wider surroundings and would replicate the many small woodlands and copses within the wider area. It states that in the long term, following the establishment of the planting the residual effects would reduce to 'negligible'.
- 6.5.7 Visual effects: The LVIA considers the visual effects from the Holyhead Road to be 'moderate' adverse in the short term. Over time, this would be expected to reduce to 'minor' adverse as the perimeter planting develops. Views from the footpath to the south-east of the site would be restricted due to the presence of the intervening hillock. Views from the A5 would be expected to be limited to brief glimpses of the rooftops. In time the boundary planting would merge in the view with existing embankment planting. From the Kinton road views of the site would be possible and the LVIA suggests these would be 'moderate' adverse. In time, planting would filter the development and reduce effects to 'minor' adverse but would also be likely to result in the loss of open views towards Nesscliffe Hill.
- 6.5.8 The LVIA recognises that Oliver's Point is a popular lookout point from which the site is clearly visible in the middle distance. The development would also be visible from The Cliffe. The buildings would not break the skyline and the recessive building colours would help to minimise visibility. The LVIA suggests that the car park may be eye-catching, particularly on sunny days if there is glint from cars. The development would clearly be a notable feature in the view and the LVIA suggest that this would be 'substantial' adverse and locally significant. Officers consider that the proposal would have an adverse impact on views from some parts of the Nesscliffe Hills. It should be noted that the development would form only a small element of the overall view from



these locations. It is noted that also within this view is the Nesscliffe service station a short way to the south of the site and the large poultry development to the west. In time the proposed landscaping would develop to a woodland block and would be expected to reduce visual effects to 'minor' adverse by year 15 which would not be considered significant. It is not considered that the development would have a significant impact on the use of these areas as tourist attractions, or on the recreational use of the area.

6.5.9 Lighting: The access road and car park would be lit by five 4 metre tall pole lights and there would be bollard lights in the car park would have bollard lights. These lights would be shrouded and directed to avoid light spillage. They would be time-controlled and switched off after 6pm when the site closes. Lights from the site may be apparent during late afternoon/early evening from some viewpoints. This would reduce as the landscape planting matures and it is not considered that this would have a significant impact on the landscape. A condition can be imposed requiring that external lighting is subject to prior approval.

6.5.10 Officers consider that the LVIA presents a fair assessment of the impacts of the proposal. The crematorium development would introduce a notable feature into this rural landscape and this would have significant visual effects on some views in the area, particularly from Holyhead Road, the Kinton road and elevated viewpoints within Nesscliffe Country Park. No cumulative impacts are anticipated. It is considered that, through siting, materials and landscaping, the development would minimise visual impacts initially and ensure that longer term impacts reduce to levels that are not significant. There would be short-term adverse impacts, and it is a matter of planning balance as to whether these are acceptable, and this is considered further below.

6.5.11 Agricultural land: Agricultural land classification maps indicate that the site is Grade 3, and no information is available as to whether this is Grade 3a or Grade 3b (Grades 1, 2 and 3a are classed as 'best and most versatile'). The NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Whilst the land is not of the highest value, it may include best and most versatile land which would be taken out of agricultural use and this constitutes an economic disbenefit of the scheme. However the proposal would also provide other benefits, and in the absence of significant impacts, it is not considered that the loss of the agricultural land would constitute a reason to refuse the scheme. A condition can be imposed to require details of soil handling to ensure that this resource is protected during earthworks and to retain its value as part of landscaping.

6.5.12 Potential impact on Ministry of Defence activities: The site falls within the MOD's Low Flying Area 9 (LFA9) and is situated between RAF Shawbury, which is the home of the Defence Helicopter Flying School and Central Flying School (Helicopter) Squadron, and Nesscliffe Training Area. The MOD has advised that high levels of noise and disturbance may be experienced in the area due to MOD activity. They have not objected to the proposal however they have drawn attention to these issues. They acknowledge that their activity is focussed on RAF Shawbury and the land grounds of Tern Hill and Chetwynd. However they have advised that a substantial amount of aircraft movements take place in to, out of, and around Nesscliffe Training Area,

approximately 1.2km to the west. They have suggested that it is highly likely that regular noise from both land-based training activity and explosives would be heard in the area of the proposed crematorium through the working week.

- 6.5.13 The MOD has advised that every effort is made to avoid aircraft overflying crematoria. However they have suggested that doing this would potentially create noise nuisance elsewhere, and increase the likelihood of a mid-air collision. They have advised that the facility may experience unavoidable noise and disturbance from both low flying aircraft and the training area.
- 6.5.14 The MOD suggest that, as the applicant's noise survey did not cover a five day, Monday to Friday period, it does not provide a complete picture of aviation or training activity. They state that a full survey may aid the preparation of a mitigation strategy if required. The noise survey spanned a 5.5 day period between a Thursday afternoon and Tuesday during July 2018 and therefore would not have accounted for any MOD activity on the other 1.5 days of this week. However it is considered that the monitoring was undertaken for a reasonable period of time.
- 6.5.15 The MOD has advised that current helicopter flying training use of Nesscliffe Training Area has been lower than norm compared to historic usage. They have advised that this is likely to increase from around 40-50 sorties per month to more than 22 per day by late 2019 / early 2020. They have suggested that this would effectively generate noise into the crematorium area on a constant basis.
- 6.5.16 The proposed crematorium would be situated approximately 1.2 km to the east of the Nesscliffe Training Area from which helicopters would fly from and to. It has not been possible to obtain precise flying routes from the MOD however they have confirmed that circuits to the east of the Training Area are restricted to prevent the villages of Kinton, Kynaston and Knockin from being permanently overflowed. It is noted that Kinton is located directly between the Training Area and the proposed site, and therefore this may reduce the extent of flying activity in the vicinity of the application site. Officers also note the large size of the Training Area (681 hectares).
- 6.5.17 The applicant has considered the existing and potential future frequency of helicopter flying and are of the opinion that the use of the crematorium would not be harmed by any sporadic noise from the MOD Training Area. In addition they advise that the facility would not result in future limitations being put on the MOD in relation to where and when they can fly. They further consider that land-based activities should not affect the quiet use of the crematorium given the distance to the MOD site.
- 6.5.18 Para. 182 of the NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It states that, where an existing business or facility could have a significant adverse effect on new development, the applicant should be required to provide suitable mitigation. In relation to the current application officers acknowledge that there may be times when MOD activity is audible from the site. However there does not appear to be sufficient evidence that the use of the site as a crematorium would be incompatible with existing land uses, or would result in pressure for the MOD to alter their activities.

6.5.19 Potential impact from nearby poultry rearing unit: The proposed crematorium building would be sited approximately 130 metres to the north-east of a large poultry rearing site on the opposite side of the A5(T). It is likely that, at times, odour from the poultry sheds would be detectable at the site. The noise report states that the building would be fitted with an alternative ventilation scheme which does not require the opening of windows. This would also be expected to minimise potential impacts from odour emissions. Odour from the poultry unit would be likely to be detectable at times within the grounds of the crematorium however it is not considered that this issue is of such significance as to make the development unacceptable.

## **6.6 Residential and local amenity considerations**

6.6.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. It is anticipated that the main source of noise from the crematorium would be from the air blast cooler that would be located externally within the service yard area. All other plant would be located internally. The noise impact assessment concludes that noise levels from the cooler would be below existing background levels, based upon a worst-case assumption, and that no mitigation is required. Other than the potential for heat haze there would be no visible emissions or plumes from the chimney. The cremation plant would include a secondary combustion chamber to minimise odour. As noted below, the facility would require an Environmental Permit to enable it to operate. This would ensure that the cremation process is undertaken satisfactorily in order to minimise emissions. There have been no objections raised by technical consultees to the proposal. The significant separation distance between the crematorium and the nearest houses and public areas is considered to be satisfactory, and it is concluded that the proposal would not adversely affect residential or local amenity.

## **6.7 Historic environment considerations**

6.7.1 Core Strategy policies CS6 and CS17 require that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.7.2 The submitted Historic Environment Desk-Based Assessment identifies that the proposed development would be intervisible with the scheduled monument at Nesscliffe Hill Camp which is approximately 700 metres to the east. However it suggests that it would not lead to any harm to the significance of the monument or the ability to appreciate the significance of it. In the opinion of Historic England, the impact upon the significance of the hillfort caused by development within its setting would be less than substantial. In these circumstances, para. 196 of the NPPF states that this harm should be weighed against the public benefits of the proposal. Taking into account the increased screening that would occur as the landscaping matures, officers consider that the limited impact on the scheduled monument would be outweighed by the benefits of the development.

6.7.3 There are no designated heritage assets within the site. However based upon previous

archaeological investigations in the area there is the potential that the site may contain buried archaeological remains, in particular relating to an adjacent 'linear ditch' which may continue into the site. The Council's archaeology officer advises that the proposed site is considered to have moderate-high archaeological potential, and has recommended that a phased programme of archaeological work is undertaken. A condition can be imposed to deal with this, to include a requirement for a geophysical survey of the site and a trial trenching exercise, followed by further mitigation work as appropriate. This would be in line with advice in para. 189 of the NPPF.

6.7.4 Officers consider that, subject to the archaeological work and landscape mitigation measures, any proposed harm to heritage assets would be outweighed by the benefits of the development. As such the proposal meets the test set out in para. 196 of the NPPF and is in line with policies CS6, CS17 and MD13.

## **6.8 Traffic and access considerations**

6.8.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The application is accompanied by a Transport Statement which identifies the traffic implications of the proposal, based upon existing and expected proposed traffic levels.

6.8.2 The new access onto the Holyhead Road includes appropriate visibility splays and its design is satisfactory for the proposed level of traffic. It is considered that the level of car parking provision within the site is appropriate for the anticipated visitor numbers.

6.8.3 The Transport Statement advises that typically 95% of the applicant's funerals are undertaken within the core operational hours of 10:30 to 15:30, and there would be on average four services carried out each weekday. The operating hours of the crematorium would therefore be outside of the morning and evening peak hours. There would be on average four services per weekday, with each service attracting on average 23 cars. This is a small proportion of the existing traffic flows on the Holyhead Road and it is considered that this can be accommodated without significant impact on highway safety.

6.8.4 Based upon the predicted catchment area, the population centres and the routes available it is anticipated that around two thirds of mourners attending services would approach from the north. In order to encourage traffic to avoid Nesscliffe it is proposed that travel management measures are implemented. Direction signs would be provided at the site exit and on the highway opposite the exit; and along the Holyhead Road. In addition it is suggested that route details could be provided to all funeral directors, and details given to mourners and on a website, to approach via the Wolfshead roundabout (to the north of the site). There would inevitably be some traffic through Nesscliffe however it is not considered that this would be of a sufficient level to warrant signage on the A5 trunk road roundabout. It is considered that a condition can be imposed to require the submission of a signage and routing strategy, to be implemented before use of the site.

6.8.5 Officers accept that, due to the nature of the journey, travel to a crematorium would be more likely to be made by private car even if there was public transport available.

Mourners are likely to car share, and car occupancy levels are likely to be higher than for other forms of development. The NPPF recognises that car sharing is a sustainable transport mode. Nevertheless the site is on a bus route and therefore the site would be accessible by public transport. In addition cycle parking stands would be provided should visitors wish to use this form of transport.

6.8.6 The proposed site is some distance from the main population centres within the catchment. However in terms of wider sustainability considerations, the provision of a new crematorium in this location would result in a reduction in travel distances for mourners whose drive time would be reduced by the facility. Officers consider that this would be an environmental benefit.

6.8.7 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe. Taking this into account, it is not considered that an objection on highway grounds could be sustained.

## **6.9 Ecological consideration**

6.9.1 Core Strategy Policies CS6 and CS17 seek to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment.

6.9.2 The site comprises an arable field bounded by hedgerow on three sides and open on the south-eastern side. There is an area of broad-leaved woodland adjacent to the site along the north-western boundaries. An ecological report has been submitted as part of the application, which includes the findings of an Extended Phase 1 Habitat Survey and a preliminary protected species assessment. The report considers that the habitats within the site, i.e. the arable field, are considered to be of limited ecological value. The perimeter hedgerows have greater ecological potential and the majority of these would be retained.

6.9.3 Designated sites: The site lies approximately 7km from the Fenemere Midland Meres and Mosses Ramsar site. The submitted air quality assessment indicates that emissions from the crematorium would be below the threshold that the Environment Agency considers significant for impacts on designated sites. Natural England has confirmed that the proposal would not be likely to have significant effects on this Ramsar site. Officers have undertaken a Habitat Regulation Assessment and this concludes that there is no legal barrier to planning permission being granted. The assessment is included below as Appendix 1. The site lies approximately 700 metres away from the Lin Cann Moss SSSI. Natural England considers that the proposal would not damage this designated site.

6.9.4 Great Crested Newt: The arable field is considered to be sub-optimal for Great Crested Newt (GCN). The nearest pond is 55 metres to the west but the A5 trunk road separates this waterbody from the site. Other ponds are more than 250 metres away. The majority of the peripheral hedgerow provides some potential for GCN habitat but the

majority of these would be retained. The ecology report has undertaken the Natural England Rapid Risk Assessment and the output of this is that the risk of offence to this protected species is 'highly unlikely'. The ecology report recommends that a precautionary method of works is provided, and officers consider that this would be a proportionate approach.

- 6.9.5 Bats: The loss of the arable field is considered to have negligible impact on bat foraging activity. The perimeter hedgerow and off-site woodland habitat, which would provide foraging and commuting routes, would be retained. The landscaping scheme would enhance the value of the area for bats. A condition can be imposed to require that external lighting is designed to be sensitive to bats, e.g. to control light spill.
- 6.9.6 Birds: The majority of the peripheral hedgerow would be retained, and this habitat would be increased through the substantial landscaping proposed. Legislation is in place to protect active nests of wild birds, and this would need to be adhered to when hedgerow is removed to form the site access.
- 6.9.7 Badger: The ecology survey did not identify any badger setts on site, however in line with the recommendation of the Council's ecologist it would be appropriate to require a pre-commencement check for any new badger activity and this can be dealt with by planning condition.
- 6.9.8 The proposed development would not result in significant impacts on ecological assets in the area. Precautionary measures can be undertaken to minimise risk of harm, and enhancements to biodiversity value would be provided as part of the landscaping of the site which can be secured by a planning condition. The proposal would therefore be in line with policies CS6, CS17, MD2 and MD12 regarding ecological protection.
- 6.10 Pollution and water management considerations**
- 6.10.1 Core Strategy policy CS6 requires that development safeguards natural resources including air, soil and water. Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.
- 6.10.2 Air pollution considerations: The NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. The proposed crematorium would be regulated under the Environmental Permitting regulations and would require an Environmental Permit to enable it to operate. There is therefore a separate mechanism for controlling the detailed matters relating to the cremation process and in particular air emissions. Nevertheless it is relevant to give consideration to potential air quality issues as part of the planning application process.
- 6.10.3 The submitted air quality assessment report acknowledges that the crematorium has the potential to cause air quality impacts at sensitive locations. This is due to the release of combustion gases from the process. The report advises that impacts have been predicted on a worst-case scenario. It has considered existing background concentrations of air pollutants and taken into account the sensitive receptors in the vicinity of the site (both human and ecological), and the results were compared with the

relevant Environmental Quality Standard. It is understood that air pollution emissions from poultry farming, i.e. ammonia, are not included in the maps of background levels. The report confirms that emissions from the plant would comply with the limits for abated cremators set out in Government guidance. The report concludes that impacts on existing pollutant concentrations are predicted to be not significant at any location and that air quality impacts should not be viewed as a constraint to planning permission.

- 6.10.4 It should be noted that an application has been submitted for additional poultry rearing buildings at the existing broiler unit to the west of the site, and is currently undetermined. Should permission for the crematorium be granted then this would need to be taken into account when a decision the proposal for additional broiler buildings is made.
- 6.10.5 Surface water drainage: The site lies within Flood Zone 1 denoting areas with a low risk of flooding. Given the size of the site a Flood Risk Assessment (FRA) has been submitted in line with national requirements. As noted in the FRA, proposals involving buildings uses for professional and other services are classed as 'less vulnerable' developments. National guidance confirms that these are appropriate in Flood Zone 1.
- 6.10.6 The proposed development would utilise sustainable drainage techniques for surface water management. Surface water runoff would be attenuated on the site and infiltrate to ground. When the infiltration capacity of the underlying strata is reached, 'excess' flow would discharge to the adjacent drain. Permeable paving would be used in each of the main car parking areas together with French drains alongside access ways to capture overland flow.
- 6.10.7 A lined pond is proposed at the north-western corner of the site to provide attenuation storage. A bund would be constructed between the pond and the A5 to prevent exceedance flows impacting on the public highway. A 'crate' system would be constructed adjacent to this to deal with overflow. This system would itself also have an overspill comprising a shallow depression. The water supply would be from the public mains supply. Highways England has confirmed that the proposed drainage works, which would be close to the trunk road boundary, are acceptable in principle. Detailed designs can be agreed as part of a planning condition.
- 6.10.8 Foul drainage: There is no mains foul water drainage system within close proximity of the site. A package treatment plant would be installed and treated effluent would be discharged to ground via a drainage field.
- 6.10.9 Ashes management: It is anticipated that 10-20% of cremated remains would be scattered or interned on site. A condition can be added to the decision notice to prohibit disposal of ashes within specific distances to water supplies and watercourses, as recommended by the Environment Agency.
- 6.10.10 No objections have been raised by the Council's drainage consultant, the Public Protection team, or the Environment Agency and it is considered that the proposal does not raise significant land-use planning issues in respect of pollution and water management. Further control over emissions would be regulated by the required Environmental Permit.

## 7.0 CONCLUSION

7.1 The planning application for a crematorium on land to the north of Nesscliffe demonstrates that existing crematoria in the area are operating significantly above their practical capacity. The proposal would provide a facility which is within a 30 minute cortege drive time of over 85,000 people including communities in parts of Oswestry and Shrewsbury. It would provide additional crematorium capacity for the area and officers accept the need for a new facility in this general area, and consider that a countryside location can be justified in relation to Core Strategy policy CS5.

7.2 The proposed siting meets the criteria as set out in the Cremation Act 1902, and the design and layout of the development is generally acceptable. It is considered that satisfactory access can be provided to the public highway, and that the local highway network can accommodate the anticipated traffic that would be generated. Whilst it is accepted that the site is some distance from the main centres of population, the site is well located in relation to principal highways and is in a generally accessible location, and sustainable transport modes would be likely to be used.

7.3 The existing land uses of the area, including MOD activity, have been taken into account and it is not considered that the proposal is incompatible with these. The proposal would not adversely affect residential amenity and any harm to heritage assets would be outweighed by the benefits of the proposal. The Habitat Regulation Assessment, included as Appendix 1, considers that there is no legal barrier to planning permission being granted in relation potential impacts on designated ecological sites, and enhancements to biodiversity would be provided through landscaping measures. Satisfactory information has been submitted to demonstrate that the siting is acceptable in relation to likely air emissions from the cremator, and detailed regulation of this process would be provided through the required Environmental Permit. The proposed design would incorporate acceptable sustainable water management measures, the precise details of which can be agreed by planning condition.

7.4 The proposed development would result in adverse landscape and visual effects on some areas initially, and these are considered to be substantial adverse in relation to visual effects from the Nesscliffe Hills to the east. These impacts would be mitigated in the longer term to a level which is not significant through substantial landscape planting. In the planning balance it is considered that the overall benefits of the scheme are sufficient to outweigh these initial impacts. Officers consider that the proposed development can be supported in relation to Development Plan policy and other material considerations including the NPPF, and that planning permission can be granted subject to the conditions set out in Appendix 2.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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



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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
 CS1 - Strategic Approach  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD8 - Infrastructure Provision  
 MD12 - Natural Environment  
 MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

PREAPP/18/00421 Creation of a new crematorium to serve Oswestry and north west Shropshire with associated access, car parking and landscaping PREAMD 25th September 2018

18/04543/SCR Creation of a new crematorium for Oswestry with associated access, car parking and landscaping EAN 20th November 2018

## 11. Additional Information

View details online:

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

Cabinet Member (Portfolio Holder) Cllr R. Macey
--

Local Member Cllr Ed Potter
--------------------------------

Appendices APPENDIX 1 – Habitat Regulations Assessment APPENDIX 2 - Conditions
--

## Habitats Regulations Assessment (HRA) Screening Matrix

### 1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Proposed Crematorium North Of, Nesscliffe, Shrewsbury (18/04965/FUL) undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

19th December 2018

HRA screening matrix completed by:

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

### 2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

#### 2.1 Summary Table 1: Details of project

Name of plan or project	18/04965/FUL Proposed Crematorium North Of, Nesscliffe, Shrewsbury, Shropshire
Name and description of Natura 2000 site	Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i> .
Description of the plan or project	Erection of a new crematorium with associated access, car parking and landscaping

Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

## 2.2 Statement

Fenemere Midland Meres and Mosses Ramsar Phase 1 lies approximately 7km to the north-east of the proposed development site.

As stated by Natural England in their consultation response, the air quality assessment submitted in support of the application indicates that the emissions will be below the threshold that the Environment Agency considers significant for impacts on designated sites.

The proposed development site does not lie within the water catchment for Fenemere and there is no surface water link between the site and Fenemere.

No increase in recreational pressure is anticipated as Fenemere is not publicly accessible.

It is concluded that there are no pathways between the development and Fenemere which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required.

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

## 3.0 Guidance on completing the HRA Screening Matrix

### The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

#### **Habitats Regulations Assessment Outcomes**

**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.**

#### **Duty of the Local Planning Authority**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

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

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

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

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

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

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

3. Prior to changing ground levels within 5 metres of the trunk road highway boundary and/or crest of the A5 Earthwork, a detailed assessment of slope stability and water retaining soil bund design will be prepared in accordance with HD22/08 Managing Geotechnical Risk, BS6031:2009 Code of Practice for Earthworks, BSEN1997-1 +A1:2013 Geotechnical Design and BS8002:2015 Code of Practice for Earth Retaining Structures and submitted to and agreed in writing with the local planning authority and Highways England. The ground alterations works must be implemented in accordance with the approved plans prior to use of the development.

Reason: To maintain and protect the structural integrity, and thereby the safe operation, of the Strategic Road Network.

4. 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; to ensure compliance with requirements set out in DfT Circular 02/2013 paragraph 50; to ensure the continued safe operation of the SRN.

5. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest.

6. No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority. The approved Plan shall be carried out as approved. The details shall include:

- the areas of topsoil and subsoil to be stripped;

- the methods of stripping;
- the location and type of each soil stockpile;
- the soil replacement profiles;
- the means of preventing soil compaction.

Reason: This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

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

7. No above ground work shall be undertaken until details of the noise mitigation measures to the proposed crematorium building have been submitted to and approved in writing by the local planning authority. The building shall not be brought into use until the mitigation measures have been completed.

Reasons: The proposal may be sensitive noise receptors to existing traffic noise on the SRN and other noise in the area. The condition is to protect future occupiers from the potential noise impact from existing uses.

8. No above ground works shall commence until samples and/or details of the roofing materials and the materials to be used in the construction of the external walls, doors and windows 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.

9. The use of the crematorium shall not commence until the bicycle stands, including any covers proposed, have been constructed in accordance with a scheme to have received the prior written approval of the local planning authority.

Reason: To ensure a satisfactory appearance of the development and facilitate the use of the site by cyclists in the interests of sustainable patterns of travel.

10. No above ground works shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- the materials to be used for all paved surfaces;
- plant species, sizes, densities, method of cultivation and planting, means of protection and maintenance, and programme for implementation. This is for all grassed areas, tree, shrub and hedgerow planting, including inter-planting gaps in the existing hedgerows.
- area proposed for memorial planting and list of species proposed for this area.

Other than memorial planting, the landscaping shall be maintained for a minimum period of 5 years. Maintenance shall include the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective. The replacement shall be another plant of the same species and size, and at the same location, as that originally planted.

Reason: To ensure the implementation and protection of the landscaping of the site in order to protect the visual and landscape character of the area.

11. The development hereby permitted shall not be opened for operation until a signage and routing strategy for the local highway authority roads has been submitted and agreed with the local planning authority and the physical measures implemented in accordance with the agreed strategy. The crematorium shall not be operated other than in accordance with the approved strategy.

Reason: To help minimise the amount of traffic using the Holyhead Road through Nesscliffe.

12. Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in general accordance with the Drawing OSWO1\_P003 rev F.

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

13. Prior to the commencement of the use hereby permitted a visibility splay measuring 215 x 2.4 metres to the nearside carriageway edge shall be provided to each side of the access where it meets the Holyhead Road and such splays shall thereafter be maintained always free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

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

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

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

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

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

16. 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), and minimise light pollution. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. 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, and light pollution.

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

17. Condition: All internment or scattering of ashes shall not take place within a minimum distance of: 50 m from a potable supply (including wells and boreholes); 30 m from a water course or spring; a minimum of 10 m distance from field drains. Internments shall take place within the unsaturated zone (between the land surface and the water table).

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

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

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

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

4. Highways England advice:  
In relation to the proposed bund, Highways England has advised that the principle of this appears acceptable, however, as the bund is located with 5 metres of the SRN Boundary, detailed design of the proposed water retaining soil bund and a supporting slope stability assessment in accordance with DMRB standard HD22/08 Managing Geotechnical Risk must be provided to demonstrate the structural integrity of the earthwork is sound for its intended purpose, and that it will not impact on any SRN assets or the safe operation of the A5 in accordance with DfT 02/2013 para 49.

5. Highways advice:

i. 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.

ii. 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.

6. Environment Agency advice:

Pollution / enforcement note: Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers under the Environmental Permitting Regulations 2010 to take action where groundwater pollution occurs, or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should we be required to undertake such work we would be able to recover these from the company or person responsible.

Advice to Applicant: Dewatering the proposed excavation (if required) may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting

Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

#### 7. Ecology team advice:

##### Nesting 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.

##### General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a

height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

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

#### Landscaping

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

-



<u>Committee and date</u>
Central Planning Committee
14 March 2019

<u>Item</u>
6
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> 18/05893/VAR	<b><u>Parish:</u></b>	Great Ness
<b><u>Proposal:</u></b> Variation of Condition No. 2 attached to planning permission 17/00282/FUL dated 27 June 2017 - alterations/amendments to plot 2 and 3 house types		
<b><u>Site Address:</u></b> Proposed Residential Development Land Adj Crosshills Nesscliffe Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Bowler Homes Ltd		
<b><u>Case Officer:</u></b> Nanette Brown	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 338377 - 319082



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

1.1 This application seeks to vary condition 2 of planning permission 17/00282/FUL which requires the development to be carried out strictly in accordance with the approved plans and drawings.

1.2 The proposed amendments relate to plots 2 and 3 of the development with alterations shown to their design and house types. This includes the raising of the ridge heights of both plots by at least 1 metre in order to provide living accommodation within the roof space and addition of dormer windows facing towards Holyhead Road. This would result in each plot gaining an additional bedroom with plot 2 having 5 bedrooms and plot 3 having 4 bedrooms in total.

**2.0 SITE LOCATION/DESCRIPTION**

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

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council has raised objections to this application on planning grounds relating to the increase in sizes of house not in keeping with the village and out of character. The locally elected member has also agreed with these concerns.

As such the scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council and Local member have submitted a view contrary to officers and the Area Planning Manager and Chairs of the Central Planning Committee have therefore determined that the planning application should be discussed and determined by a planning committee.

**4.0 Community Representations**

4.1 - Consultee Comments  
SC Affordable Housing – No objection  
Total number of units remain the same.

SC Highways – No objection

This application relates to a change to the approved plans attached to planning permission 17/00282/FUL dated 27th June 2017 to allow alterations and

amendments to plots 2 and 3 house types. The changes are considered acceptable from a highways perspective.

SC Ecology – No comments

SC Suds – No objection

Condition 5 requiring a surface and foul drainage scheme to be submitted should be retained.

Great Ness and Little Ness Parish Council – Objection

The proposed changes are not in keeping being 4/5 bed and 3 storey.

4.2 - Public Comments  
None received.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design  
Residential Amenity

## 6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development of the site has been accepted with the grant of planning permission ref 17/00282/FUL.

6.2 Siting, scale and design

6.2.1 The siting of each house within the plots plot is shown to remain the same as the approved site layout under planning reference 17/00282/FUL.

6.2.2 The amended house types and designs slightly increase the size of the footprint to each plot, with new small additions made to provide an enlarged kitchen/dining room to plot 3 and a larger hallway and stairwell to plot 2. Officers consider that the slight increase in size of footprint and minor additions to each plot are acceptable and will not impact on the amount of available amenity space for each plot.

6.2.3 The main alterations proposed relate to the overall height of the houses, with the ridge and eaves heights raised to allow for living accommodation to be provided within the roof space. The ridge heights of both plots will be raised by just over 1 metre.

6.2.4 Officers have noted that the existing house to the south east of the site, Crosshills, already has roof lights inserted into its roof and a high level gable window in its north west gable facing towards the application site that indicate living accommodation is provided within its roof space. The other surrounding properties to the site consist of a variety of designs and sizes. Officers consider that the proposed enlarged house types would not have any significant impact on the adjacent properties and street scene over that of the already permitted house designs.

6.2.5 Great Ness & Little Ness Parish Council have objected to the proposal on the basis that the proposed designs are not in keeping being 4/5 bed properties and are now 3 storey. Officers note that Nesscliffe is characterised by a mixture of house types and sizes, with other large modern dwellings located further within the village. Officers also consider that the use of the roof space to provide additional accommodation in this instance would not significantly or detrimentally increase the height of the previously approved houses and would also reflect the style and design of the adjacent property, Crosshills, which also provides living accommodation within its roof space.

### 6.3 Residential Amenity

6.3.1 Officers consider that the addition to plot 3 to enlarge the kitchen and dining room is single storey only and the window and bi-fold openings to serve this room will not result in any impact on neighbours. The alteration to house types does include some rearrangement of window openings at first floor level, but this does not introduce any openings to additional rooms that Officers consider would result in any significant loss of privacy to neighbours above that of the impact of the already approved scheme. No roof lights or dormer windows proposed on the roof of each house would face directly towards any existing neighbouring properties. Officers consider that the house types as proposed would not have any significant detrimental harm to the residential amenity of immediate neighbours to the site.

## 7.0 CONCLUSION

7.1 It is considered that the proposed scale and design of the proposed amended dwellings is acceptable and will have no adverse impact on the visual amenity of the locality or neighbouring properties in accordance with the requirements of policies CS6 and MD2 of the adopted core strategy and SAMDev Plans.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to



determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:  
CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
MD2 - Sustainable Design

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

MD12 - Natural Environment

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

17/00282/FUL Erection of 3No. dwellings including the formation of a new access (revised scheme) GRANT 27th June 2017

PREAPP/13/00065 Erection of three dwellings PREAIP 21st May 2013

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

11. Additional Information

[View details online:](#)

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

Planning file 18/05893/VAR
----------------------------

Cabinet Member (Portfolio Holder) Cllr R. Macey
--

Local Member Cllr Ed Potter
--------------------------------

Appendices APPENDIX 1 - Conditions
---------------------------------------

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

1. The development hereby permitted shall be begun before the 27th June 2020.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.  
Reason: To ensure that the external appearance of the development is satisfactory.
4. The two existing trees situated adjacent to the sites southern boundary within plot 2 (as highlighted in yellow on the plan as attached to the decision notice for planning permission 17/00282/FUL) shall be retained and maintained for the duration of any development works and for 5 years thereafter. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard these trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees on site in order to protect visual and residential amenity and also to prevent damage during building works, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
  - Means of enclosure
  - Hard surfacing materials
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
  - Implementation timetables

Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

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

7. Prior to the commencement of development on site details of the means of access, including the location, layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

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

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

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

A minimum of 2 artificial nest<sup>2</sup>, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

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

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

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

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

10. No new windows or any other openings other than those shown on the approved plans shall be formed above ground level in the north, south or west elevations of any dwelling hereby permitted.

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

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

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

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

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

### **Informatives**

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

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

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. As part of the SuDS, the applicant should consider employing measures such as the following:  
Water Butts; Rainwater harvesting system; Permeable surfacing on any new access, driveway, parking/paved area; Attenuation; Greywater recycling system; Green roofs.  
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
6. Consent is required from the service provider to connect into the foul main sewer.
7. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from mid-March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.
8. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife. All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
9. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
10. This planning permission does not authorise the applicant to:
  - o construct any means of access over the publicly maintained highway (footway or verge) or
  - o carry out any works within the publicly maintained highway, or

- o authorise the laying of private apparatus within the confines of the public
- o highway including any new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

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

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

**This page is intentionally left blank**





<u>Committee and date</u>
Central Planning Committee
14 March 2019

<u>Item</u>
7
Public

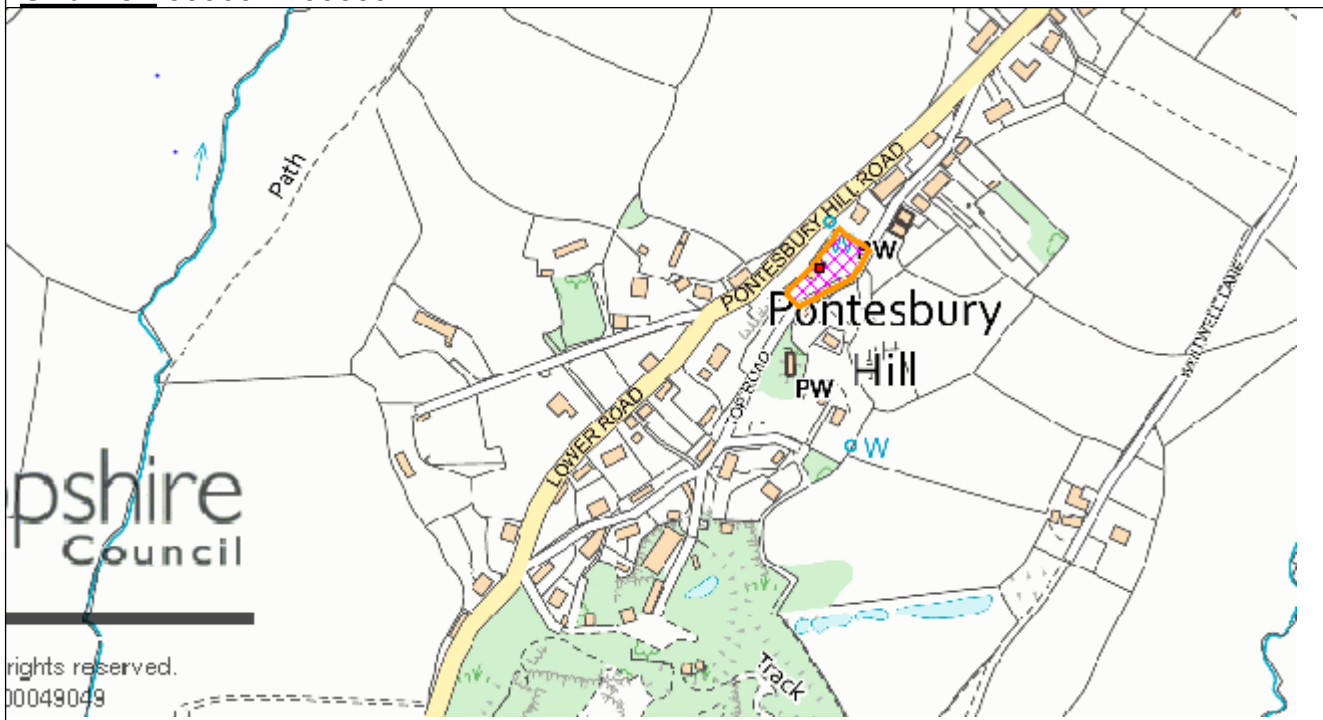
## Development Management Report

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> 18/05095/FUL	<b><u>Parish:</u></b>	Pontesbury
<b><u>Proposal:</u></b> Erection of replacement dwelling and detached garage; formation of vehicular access		
<b><u>Site Address:</u></b> Hill Cottage Top Road Pontesbury Shrewsbury SY5 0YE		
<b><u>Applicant:</u></b> Mr Dave Edwards		
<b><u>Case Officer:</u></b> Alison Tichford	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 339637 - 305597



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Refuse**

## Recommended Reason for refusal

1. The Local Planning Authority considers the principle of replacing the existing dwelling to be acceptable. However, the proposed replacement dwelling is materially larger and not sympathetic to the size, mass, character and appearance of the original cottage, and would introduce a large scale house type to this plot within the rural area where the maintenance of a supply of smaller, less expensive properties is the aim of adopted policy.

In addition the proposed development would have detrimental visual impact upon the local character and landscape as a result of its materially larger scale and its increased prominence in views from the west.

The proposal is therefore considered to be contrary to the requirements of Policy CS5, CS6, CS11, and CS17 of the Shropshire Core Strategy, as well as Policies MD2, MD6 and MD7a and b of the Shropshire Site Allocations and Management of Development (SAMDev) Plan, the Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD) and the overall aims and objectives in relationship to sustainable development as set out in the NPPF.

The "fall back" position is of smaller scale and not inappropriate in this location and there are no other material planning considerations that would justify a departure from adopted Development Plan policy in this case.

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	This application proposes the demolition of an existing 2 bedroom detached dwelling plus outbuildings and its replacement with a new 4 bedroom detached dwelling and detached garage, as well as the construction of a new vehicular access.
<b>1.2</b>	Initial drawings indicated a proposed replacement dwelling with footprint of 166 sq.m, and total floorspace of 304 sq.m.
<b>1.3</b>	Revised plans were received during the course of the application following discussions with officers, and these reduced the scale of the proposed dwelling somewhat and moved the proposed double garage to a less elevated position in the plot.
<b>1.4</b>	The existing dwelling has a footprint of 72 sq.m, and the proposed new dwelling will have a footprint of 148 sq.m. (calculations for the dwelling only, excluding existing outbuildings and proposed double garage). The total floorspace of the existing dwelling is appx.103 sq.m plus some small eaves' storage, and the total floorspace of the proposed dwelling will be 270sq.m.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	The existing stone-built dwelling occupies a large plot below Top Road and above Lower Road on the Pontesbury Hill Road up from Pontesbury towards the Shropshire Wildlife site at Poles Coppice.
<b>2.2</b>	The existing dwelling appears on historic mapping, and has undergone alterations over time, the dates of which are not clearly indicated on mapping and records, however, the main 2 storey element is representative perhaps of the original dwelling, with small extensions added to the side, and a single storey rear brick extension. 1954 mapping suggests the rear extension may have been of smaller size than currently, but given the imprecision of the information available, officers take the view in this report that the current house represents the situation in 1948 (of relevance later at 6.4 "Fall Back Position").
<b>2.3</b>	The site lies outside the development boundary for Pontesbury but does lie adjacent to residential properties as well as undeveloped land.
<b>2.4</b>	There is a modern 2 storey detached house to the north east, with land which extends around to the rear of Hill Cottage. There is a 2-storey detached farmhouse which appears on historic mapping to the south east in an elevated position above Hill Cottage and on the other side of Top Road. A single storey modern bungalow lies to the north west below and on the other side of Lower Road. There is undeveloped land immediately to the south west. To the north east lies a Wesleyan Chapel of some historic interest.
<b>2.5</b>	The ground level decreases by 2-3 metres across the site from east to west, and similarly from south to north.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Parish Council has made comments in support of the revised proposal, and the Local member also supports the application. Officers recommend refusal.

	Under the Council's scheme of delegation the application therefore requires Committee consideration.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>Consultee Response</b>
<b>4.1.1</b>	<b>SC Flood and Water Management</b> have no objection to the proposal and have provided informative advice.
<b>4.1.2</b>	<b>SC Affordable Homes</b> have confirmed that replacement dwellings are exempt from the need to contribute to the provision of affordable housing.
<b>4.1.3</b>	<b>SC Ecology</b> provided initial advice recommending refusal without the provision of additional information. An ecology report was subsequently provided, and consultees provided further comments indicating that they were satisfied that ecology concerns could be safeguarded by the inclusion of conditions and informative advice on any grant of planning permission.
<b>4.1.4</b>	<b>SC Rights of Way</b> were consulted but had no comments to make with regard to this application.
<b>4.1.5</b>	<b>SC Archaeology</b> recommended compliance with SC Conservation advice.
<b>4.1.6</b>	<p><b>SC Conservation</b> referred to their advice provided with regard to a previous application 18/01647/FUL which was withdrawn. In this application consultees indicated that Hill Cottage would be recognized as a non-designated heritage asset as an extant early modest built form of local materials reflecting the early settlement patterns of Pontesbury Hill, and that it had a degree of rarity value given that many of the early similar modest dwellings and outbuildings in the area have been lost. However, with consideration to information supplied by the applicant, consultees indicated that they would reluctantly not object to the cottage's demolition, provided that all buildings and the wider site were fully recorded in accordance with Historic England guidance. They sought revisions with regard to scale, massing and design to better fit the context of the site.</p> <p>With regard to the current application consultees have provided comments indicating approval of some positive changes to the previous proposal including the detached (rather than as previously, attached) garage, and a reduction in the mass of the building.</p> <p>Consultees then recommended revisions be considered to better address the context of the dwelling, including perhaps alterations to help break up the strong visual consistency of the dwelling across its front elevation, where for example one end gabled bay could be of a larger scale than the other side, or where one bay could be stepped back from the other, to build in further articulation, with the aim of reducing the potential visual dominance of the current design.</p>
<b>4.1.7</b>	<b>SC Trees</b> were consulted and have raised no objection to the application but have requested the imposition of conditions on any planning permission to ensure the protection of trees and hedges on site.
<b>4.1.8</b>	<b>SC Highways</b> have no objection to the application subject to conditions
<b>4.2</b>	<b>Public Response</b>
<b>4.2.1</b>	A site notice has been posted as required and 7 neighbouring properties have been advised about the proposal and 3 comments have been received as follows, generally in support of the dwelling but with some accompanying

	<p><b>concerns:</b></p> <ul style="list-style-type: none"> <li>☒ General support, but there is limited access and parking available and there should be no restrictions to residents movement and parking during or after construction, nor any temporary storage of material or equipment, and works should be Monday to Friday 8 - 6pm</li> <li>☒ Access to the site should be between 9 and 5 to ensure that neighbours can leave their property.</li> <li>☒ The driveway to Bank Farm should not be used as a turning point for vehicles as it will cause damage to garden and drive</li> <li>☒ There should be no adverse impact on the public footpath running alongside the property</li> <li>☒ Support - elevations indicate a design, mass and use of materials that appear to be in keeping with the character of the area and which do not over power the site or its surroundings.</li> <li>☒ The site is well screened from both Top and Lower Road by trees and foliage along the boundaries</li> <li>☒ Concerns that increased vehicular traffic, as well as construction traffic along Top Road will lead to further detriment to the road, which is already no longer fit for use by ordinary traffic without inconvenience and adversely impacts amenity</li> <li>☒ Increased hard standing to provide for access parking and on site turning will create increased surface water run-off from the site to Top Road which will adversely impact the road's condition</li> <li>☒ The proposed boundary treatments are not appropriate in this setting. The brick wall to the front boundary appears to be within the root protection area of the hedgerow and should not be detrimental to the maintenance of this hedgerow which is essential for screening and mitigating the impact of any wall in this semi-rural location.</li> <li>☒ While in support of the dwelling, concern that the originally proposed position and height of the detached garage would result in a loss of light and outlook to a kitchen window at 1 Low Hill.</li> </ul>
<p><b>4.2.2</b></p>	<p>Pontesbury Parish Council made initial comments of objection to the application on the grounds that it was more than a 50% increase to the existing cottage footprint which would not be in keeping with current planning policies, and that no justification had been provided to justify the departure from policy. Following the receipt of revised plans, the Parish Council commented that they were now able to support the application in view of the changes to the height, overall size and design of the gables, although they did comment that they shared the concern of neighbours regarding the loss of hedgerows.</p>

<b>5.0</b>	<b>THE MAIN ISSUES</b>
<b>5.1</b>	<p><b>Principle of Development</b>  <b>Planning Policy Context</b>  <b>Review of policy on replacement dwellings in the countryside</b>  <b>Fit of proposal with policy on replacement dwellings</b>  <b>Fall Back Position</b></p> <p><b>Site suitability</b></p> <ul style="list-style-type: none"> <li>☐ Visual Impact, Siting, Layout, Scale, and Design</li> <li>☐ Residential Amenity</li> </ul>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
	<b>PRINCIPLE OF DEVELOPMENT</b>
<b>6.1.</b>	<b>Planning Policy Context</b>
<b>6.1.1.</b>	Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant statutory requirements.
<b>6.1.2</b>	The revised NPPF is a material consideration in planning decisions. Paragraph 12 of the revised NPPF clearly states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations in a particular case indicate that the plan should not be followed.
<b>6.1.3</b>	Para 11 of the revised Framework indicates that if the development plan is up to date, the presumption in favour of sustainable development is satisfied by the approval of development proposals that are in accord with it.
<b>6.1.4</b>	Where an application involves the provision of housing, a footnote to 11(d) explains that 11(d) includes (but is perhaps not limited to) situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years.
<b>6.1.5</b>	The Council is satisfied that it is currently able to demonstrate a deliverable 6.05 year housing land supply to meet the housing need through the sites identified within the SAMDev Plan and that the delivery of housing has not been below the housing requirement over the previous 3 years.
<b>6.2</b>	<b>Review of policy on replacement dwellings in the countryside</b>
<b>6.2.1</b>	The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is a material planning consideration in planning decisions. The NPPF has been further revised (2018) since the publication of the SPD and the adoption of the SAMDev Plan (2016).
<b>6.2.2</b>	Policy MD1 of the SC SAMDev policy and the current settlement policies of the

	Shropshire Site Allocations and Management of development plan (SAMDev)(2015) identify Pontesbury as a key centre, but in this case, the proposed site falls outside the development boundary for Pontesbury village. In terms of policy and for the purposes of the development plan, the development site is classified as within countryside, where new open market housing would not be permitted where housing targets locally are being met, as is the case in Pontesbury..
<b>6.2.3</b>	Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and with an overarching aim of maintaining and enhancing the vitality and character of the countryside
<b>6.2.4</b>	Policy CS11 is closely linked with the Strategic Approach (Policy CS1) and particularly with Policies CS4 and CS5, and together these aim to ensure that the development that does take place in the rural areas is of community benefit with local needs affordable housing a priority.
<b>6.2.5</b>	As regards replacement dwellings, the NPPF makes comment in relation to proposals affecting the Green Belt, where para 145(d) indicates that the replacement of a building is an exception to the rule that the construction of new buildings is inappropriate in the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces.
<b>6.2.6</b>	SAMDev Policy MD7a, Managing Housing Development in the Countryside, indicates at 3. that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.
<b>6.2.7</b>	Explanatory para. 3.62 provides further detail as to the application of the policy. The control of replacement of dwellings in the countryside needs to be considered in conjunction with general criteria which also highlight and address visual, heritage loss and other impacts associated with proposals for replacement buildings. In the case of residential properties, there is additionally the objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types.
<b>6.2.8</b>	SAMDev Policy MD7b, general management of development in the countryside indicates that (2): proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development.
<b>6.2.9</b>	Explanatory para. 3.66 indicates that proposals for replacement of dwellings can significantly impact on the character of the countryside and there is a need to ensure appropriate scale, design and location of new development.
<b>6.2.10</b>	The Adopted Type and Affordability of Housing Supplementary Planning Document provides further detail.
<b>6.2.11</b>	At para. 2.20. the SPD states that the size of dwellings in the countryside can be

	of concern, as the market trend is towards providing larger and more expensive dwellings and this tends to exclude the less well-off...it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings.
<b>6.2.12</b>	Para.2.22 indicates that rural replacement dwellings outside of settlements will only be permitted provided that the existing building has established and continuing residential use rights and has not been abandoned.
<b>6.2.13</b>	<p>Para 2.23 reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following:</p> <ul style="list-style-type: none"> <li>☐ The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.</li> <li>☐ A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.</li> <li>☐ The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households.</li> </ul>
<b>6.3</b>	<b>Fit of proposal with policy on replacement dwellings</b>
<b>6.3.1</b>	The development site falls within open countryside in policy terms but does also form part of existing residential development along a rural no through road leading from Pontesbury up to the Shropshire Wildlife Trust site at Poles Coppice. The site lies appx. 500m from the boundary of the Shropshire Hills Area of Outstanding Natural Beauty to the east, and there are extensive views from the site's elevated position across open countryside to the west.
<b>6.3.2</b>	Properties within the vicinity of the site vary in design and age. The property lies between Top Road and Lower Road, with both lanes being narrow single track roads at this point. The property will be accessed from Top Road which is perhaps of greater rural character, but properties along both roads are varied in design and age, with C19 Methodist church and small terraced houses, detached single storey farm houses, as well as C20 additions of varying success, including adjacent to the site to the North a simple detached brick built dwelling from the 2 <sup>nd</sup> half of the C20, and further north a modernist house of block design and stark white render. The mixture of buildings is interesting, and the existing dwelling on site with its large garden makes a significant contribution to the pleasant local character and history.
<b>6.3.3</b>	It seems reasonable to suppose on the basis of the information available that the original cottage was a simple squatter's cottage with room for the growing of food, and that is largely how the cottage remains today, with small extensions added to the side, and a single storey rear extension across the rear. The garden is large and has been attractive in times past although now cleared of



	some trees and plants.
<b>6.3.4</b>	SC Conservation and Archaeology have not raised an objection (subject to recording conditions) to the demolition of the existing property, but have recommended improvements to the proposal to better suit the context of the site. While the applicant has revised plans in response to consultee comments, conservation consultees remain concerned about the bulk and scale of the design.
<b>6.3.5</b>	While the existing stone building has been altered over time, it does still have an historic character in its setting, and makes a contribution to the distinctiveness of the local area. Its demolition will likely be experienced as a loss by some, and will impact upon the local street scene. However, this impact may not be so significant as to prevent demolition and policy does allow for the replacement of damaged, substandard, and inappropriate structures. The heritage impact assessment report provided finds the existing dwelling tired and not of significant heritage value, although it does not suggest the dwelling is damaged or dangerous. There has been some recent vandalism apparently which has led to some internal damage. It is accepted however, that the existing dwelling could benefit from some updating to achieve modern standards, and that the works may be of such extent that in fact demolition and replacement might be acceptable, in line with Conservation consultees advice.
<b>6.3.6</b>	However, policy does accept that replacement dwellings can significantly impact on the character of the countryside and that there is a need to ensure that the new development is of appropriate scale, design and location, and this is considered further below at 6.5
<b>6.3.7</b>	The existing dwelling was in continuous residential use until December 2016, and council tax has been paid on the dwelling since that time, and the application is considered to satisfy policy in this respect.
<b>6.3.8</b>	The existing property appears to have been sold for slightly more than £200,000 in 2016, and is therefore at the more affordable end of the supply of open market housing. While old fashioned and not recently modernised, the 2 bedroom property with large garden may well have been attractive to a young family, with scope to possibly modernise and extend at a later date. It seems appropriate therefore to expect any replacement dwelling to be similarly suitable for the needs of a new household of limited financial means, as suggested by policy.
<b>6.3.9</b>	The proposed 4 bedroom dwelling is in fact considerably larger than the existing. The existing dwelling has a footprint of 72 sq.m appx, and the proposed new dwelling will have a footprint of 148 sq.m. (calculations exclude existing outbuildings and the proposed new double garage). The total floorspace of the existing dwelling is appx.103 sq.m plus some small eaves storage, and the total floorspace of the proposed dwelling would be 270sq.m.
<b>6.3.10</b>	The existing maximum height of the dwelling is 5.24m, and the proposed plans indicate a dwelling with maximum height of 7.5m, with variation down to 6.8m. Such an increase in height will significantly increase the prominence of the dwelling in the local landscape, particularly in views from the west, where the cottage currently has a very low profile despite an elevated position above Lower Road. Although some of the first floor space will have limited height within the roof areas, baths are enabled in these areas with the use of dormers, and space in bedrooms will be able to accommodate storage furniture, and officers consider that all first floor space can be considered as useable space.
<b>6.3.11</b>	The proposed dwelling would appear then not to satisfy development plan

	<p>policy, in that its footprint and overall size will be substantially larger than the existing dwelling, with no justification for the construction of a larger dwelling other than the applicant's preference in this case, and the suggested "fall back" position, discussed further below. While the replacement dwelling will be sited in a similar position to the existing dwelling, the proposed house will not be sympathetic to the size, mass, character and appearance of the original building, and will have increased visual impact, particularly from Lower Road and in views from the west. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside. The development would be in conflict with the policies CS5, CS6, CS11, CS17, MD2, MD7A, MD7B, the adopted Type and Affordability of Housing SPD, and the NPPF.</p>
<b>6.4</b>	<b>Fall Back Position</b>
<b>6.4.1</b>	<p>The applicant's agent has submitted an application for a certificate of lawful development for proposed works in which they indicate their view as to what might be constructed under permitted development legislation. (This view is also indicated on the express planning application drawings). Officers have considered this application and are satisfied that the works indicated do not all comply with the requirements of the General Permitted Development Order 2015 (as revised).</p>
<b>6.4.2</b>	<p>It is certainly true that there is scope for some extensions to the dwelling as well as outbuildings under permitted legislation, but the site poses physical constraints to what is possible, and the rights to extend are in any case limited under permitted development.</p>
<b>6.4.3</b>	<p>Officers are of the view that the maximum additions to the footprint of the house would be, taking a generous view as to permitted development rights, appx. 104 sq.m (2 x 8.2m x 5.45 single storey side extensions (following removal of existing single storey projection) – 90 sqm. appx, plus 1 x 7.3 x 2m (appx) single storey rear extension – 14.6 sqm.). With the proposed demolition of the existing single storey side projections, the total footprint would be 164 sq.m.</p>
<b>6.4.4</b>	<p>There is no scope for 2 storey extensions to this dwelling under permitted development, and only limited practical scope for any additions to the roof, so the total floorspace of an extended dwelling would also equate to 164 sq.m appx, although there might potentially be some additional eaves storage space available, and it would be possible to construct low single storey outbuildings to either side of the dwelling, behind the line of the principal elevation facing Top Road.</p>
<b>6.4.5</b>	<p>Officers consider that while any works undertaken under permitted development might have a large footprint, they would be of single storey and would be subservient in character, and more appropriate to the landscape here than the works proposed under the express planning application.</p>
<b>6.4.6</b>	<p>It seems unlikely, however, that were the dwelling restricted to 164 sq.m, the outbuildings envisaged would be appropriate or useful additions, and it is useful to remember that any outbuildings constructed do have to be demonstrably incidental to the enjoyment of the dwellinghouse. Incidental' purposes are generally regarded as being those connected with the running of the dwellinghouse or with the domestic or leisure activities of its occupants, as distinct from ordinary living accommodation, and it is appropriate to consider the scale of such buildings in relation to the existing building when making a decision as to whether they can actually be considered "incidental". Similarly,</p>

	use for business purposes may perhaps not be considered incidental. Appeal decisions are many and varied with regard to the scope of “incidental” and it seems likely that a practical decision is made on the particular circumstances of each case.
<b>6.4.7</b>	While it is true that were express planning permission to be granted rights to permitted development on the site could be removed, this would not remove the right to further express planning permission applications. The concurrent application for a certificate of lawful development for the permitted development scheme indicates that the ancillary outbuildings would be used for a gym, home cinema, and storage/office, and only the office is provided for in the express planning application.
<b>6.4.8</b>	Officers consider that the proposed dwelling and double garage do not satisfy policy, and that should permitted development rights actually be used to develop the site the resulting extended dwelling (and outbuildings) would be low in height and would be more appropriate within the existing landscape, and would incidentally also be more consistent with policy aims, in being more sympathetic to the size, mass, character and appearance of the original building, and in terms of limiting the tendency towards the provision of larger dwellings in rural areas.
<b>6.5</b>	<b>Visual Impact, Siting, Scale and Design</b>
<b>6.5.1</b>	This aspect of the application has been considered to some extent already with regard to the policy on replacement dwellings, above, but should also be considered with regard to more general policy as to the visual impact of developments.
<b>6.5.2</b>	Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and should not adversely affect the values and function of these assets.
<b>6.5.3</b>	<p>Policy MD2 specifically states that for a development proposal to be considered acceptable it is required to:</p> <p>Contribute to and respect locally distinctive or valued character and existing amenity value by:</p> <p>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>Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and</p> <p>Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and</p> <p>Enhancing, incorporating or recreating natural assets in accordance with MD12.</p>

<b>6.5.4</b>	<p>Shropshire Core Strategy policy CS17: Environmental Networks states that: Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:</p> <ul style="list-style-type: none"> <li>☐ Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;</li> <li>☐ Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets ...</li> <li>☐ Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;</li> </ul>
<b>6.5.5</b>	<p>SAMDev policy MD12 requires that proposals which are likely to have a significant adverse effect on visual amenity, landscape character, and local distinctiveness should only be permitted if it can be clearly demonstrated that there is no satisfactory alternative such as re-locating to an alternative site, and the social or economic benefits of the proposal outweigh the harm to the asset.</p>
<b>6.5.6</b>	<p>Para 2.23 of the adopted Type and Affordability of Housing SPD reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following:</p> <ul style="list-style-type: none"> <li>☐ The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.</li> <li>☐ A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.</li> </ul>
<b>6.5.7</b>	<p>The revised NPPF Para 122 advises that planning policies and decisions should support development that makes efficient use of land, while taking into account (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens).</p>
<b>6.5.8</b>	<p>At para 127 the revised NPPF requires decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.</p>
<b>6.5.9</b>	<p>NPPF para 192 reiterates that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.</p>

<b>6.5.10</b>	NPPF para 197 indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
<b>6.5.11</b>	NPPF par 198 indicates that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
<b>6.5.12</b>	SC Conservation and Archaeology consultees have reviewed the information provided and consider that the existing dwelling, while of historic interest, can be demolished.
<b>6.5.13</b>	Nevertheless, while the existing stone building has been altered over time, it does still have an historic character in its setting, and makes a contribution to the distinctiveness of the local area. Its demolition will likely be experienced as a loss by some, and will impact upon the local street scene. It is important that any replacement dwelling enhances the local built environment, and respects local character and context.
<b>6.5.14</b>	Conservation consultees sought alterations to the proposed design, and officers suggested the removal of one wing to the dwelling, or more single storey elements perhaps. There have been some alterations to the designs, which have produced a more interesting and articulated design, but while welcome, these have not been significant enough with regard to the height and scale of the proposed dwelling to make the proposal acceptable.
<b>6.5.15</b>	Plans also indicate a large elevated patio area as well as full length first floor glazing to the rear of the dwelling which would enable the enjoyment of views over the countryside to the west. The land currently falls away to the rear of the dwelling to a large shrubby area adjacent Lower Road not within the curtilage of the existing dwelling, and it seems that ground levels would have to be altered here to enable the patio. The provision of this area to the rear, as well as the first floor glazing, would add to the prominence of the enlarged dwelling in views into the site and would reduce the rural character of the road here which is presently enhanced by the shrubbery screening the low height dwelling.
<b>6.5.16</b>	<p>Trees consultees do not object to the application but have asked that conditions are attached to any grant of planning permission to protect trees and hedges of amenity value, and these may also offer some screening of the replacement dwelling and outbuilding.</p> <p>Neighbours and the Parish Council have raised concern with regard to proposed boundary treatments not being appropriate in this rural area, and that the proposed brick retaining wall to the front boundary appears to be within the root protection area of the hedgerow. Trees consultees have indicated that further details as to the retaining wall construction should be submitted in satisfaction of a condition on any grant of planning permission. It would also be appropriate to add a condition requiring a full landscaping plan.</p>
<b>6.5.17</b>	On balance, while the proposed replacement dwelling is of attractive modern design, with some scope for further improvement by the use of appropriate materials, the proposed replacement open market dwelling does not satisfy policy and is not sufficiently sympathetic to the size, mass, character and appearance of the original building it replaces. The scale of the proposed replacement dwelling would also not enhance the local built environment and would be detrimental to the local rural character and visual amenity. The development would be in conflict with the policies CS6, CS17, MD2, MD7A,

	MD7B, the adopted Type and Affordability of Housing SPD, and the NPPF.
<b>6.6</b>	<b>Impact on Residential Amenity</b>
<b>6.6.1</b>	Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
<b>6.6.2</b>	The proposed dwelling is at such distance and orientation from neighbouring properties such as that there will be no adverse overbearing, overshadowing or noise impacts.
<b>6.6.3</b>	Full length glazing and a Juliette balcony to the front elevation is set at such a distance and orientation from neighbouring properties as to offer no overlooking potential. First floor glazing to the rear would be a new feature in this location, and some full length glazing is proposed. The land immediately below the house belongs to the neighbouring property to the north east, and the glazing would also seem to offer views over amenity areas of dwellings to the southwest. While no objections have been raised by these neighbouring properties with regard to impact on privacy, it may be that it would be appropriate to restrict the size of this rear glazing to reduce the experience of being overlooked.
<b>6.6.4</b>	Local residents have raised concern about access and parking during construction works. A construction management drawing has been submitted indicating proposed materials storage and parking areas on site, but it will be appropriate to add a condition to any grant of planning permission requiring further details with regard to delivery times, traffic management, and construction times.
<b>6.6.5</b>	Concern was raised with regard to the footpath to the north of the property but Rights of Way consultees had no comments to make in this regard. It seems unlikely that the footpath will be impacted by works on site, but informative advice as to the importance of keeping the footpath accessible can be added to any grant of planning permission.
<b>6.6.6</b>	Concerns have been raised with regard to increased vehicular traffic along Top Road which is in poor condition, but it is unlikely that the residents and visitors to one additional dwelling will make a significant difference to the road condition. It will be appropriate to require additional information about construction traffic and a condition can be attached to any grant of planning permission.
<b>6.6.7</b>	Concerns have been raised with regard to increased hard standing on site leading to increased surface water run off. SC Drainage consultees have provided informative advice but have not required any conditions on any planning permission. It is for the applicant to ensure that there is no surface water run off from their property by providing provision within site, and their supporting statement confirms that soakaway drainage will be provided on site in accordance with BRE digest 365.
<b>6.6.8</b>	Initial concerns were raised with regard to the position of the double garage impacting upon a window to a neighbouring property, and the applicant has revised plans in order to reduce this impact.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	The proposed site for a replacement open market dwelling lies outside the development boundary for Pontesbury, and falls within the policy considerations applicable to open countryside where replacement dwellings are permissible subject to limitations. In this case, the proposed replacement dwelling is materially larger and not sympathetic to the size, mass, character and appearance of the original cottage, and would introduce a large scale house

	<p>type to this plot within the rural area where the maintenance of a supply of smaller, less expensive properties is the aim of adopted policy.</p> <p>In addition the proposed development would have detrimental visual impact within the local landscape as a result of its materially larger scale and its increased prominence in views from the west.</p> <p>The “fall back” position is of smaller scale and not inappropriate in this location and there are no other material planning considerations that would justify a departure from adopted Development Plan policy in this case.</p> <p>As a consequence, the replacement dwelling proposed on the site is contrary to policies CS5, CS6, CS11 and CS17 of the Core Strategy, and policies MD2, MD7A and B, of the SAMDev Policy, as well as the Council's SPD on Type and Affordability of Housing and the overall aims and objectives in relationship to sustainable development as set out in the NPPF.</p>
<b>8.0</b>	<b>RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL</b>
<b>8.1</b>	<b>Risk Management</b>
	<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 three months 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 of application for which costs can also be awarded.</p>
<b>8.2</b>	<b>Human Rights</b>
	<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>
<b>8.3</b>	<b>Equalities</b>
	<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>
<b>9.0</b>	<b>Financial Implications</b>
	<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 – in so far 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

18/01647/FUL Erection of replacement dwelling and enlarged access following demolition of existing dwelling and out buildings WDN 2nd October 2018

18/05095/FUL Erection of replacement dwelling and detached garage; formation of vehicular access PDE

19/00223/CPL Lawful development certificate for the proposed erection of single storey ancillary outbuildings (Class E) - 1No. Workshop/ Office and 1No. Fitness Suite. Building to be no more than 4m high to the ridge and 3m high to the eaves, Proposed single storey side extensions (Class A) - Half the width of the existing house (5m). No more than 4m high and 3m to the proposed eaves height, Proposed single storey rear extensions (Class A) - 3m deep



across existing rear elevation, Proposed two storey rear extension (Class A) - 3m deep no higher than existing 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)
--

Cabinet Member (Portfolio Holder) Cllr R. Macey
--

Local Member
--------------

Cllr Nick Hignett
-------------------

Appendices APPENDIX 1 - Conditions
---------------------------------------

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

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

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

### **Informatives**

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

-



<u>Committee and date</u>
Central Planning Committee
14 March 2019

<u>Item</u>
<b>8</b>
Public

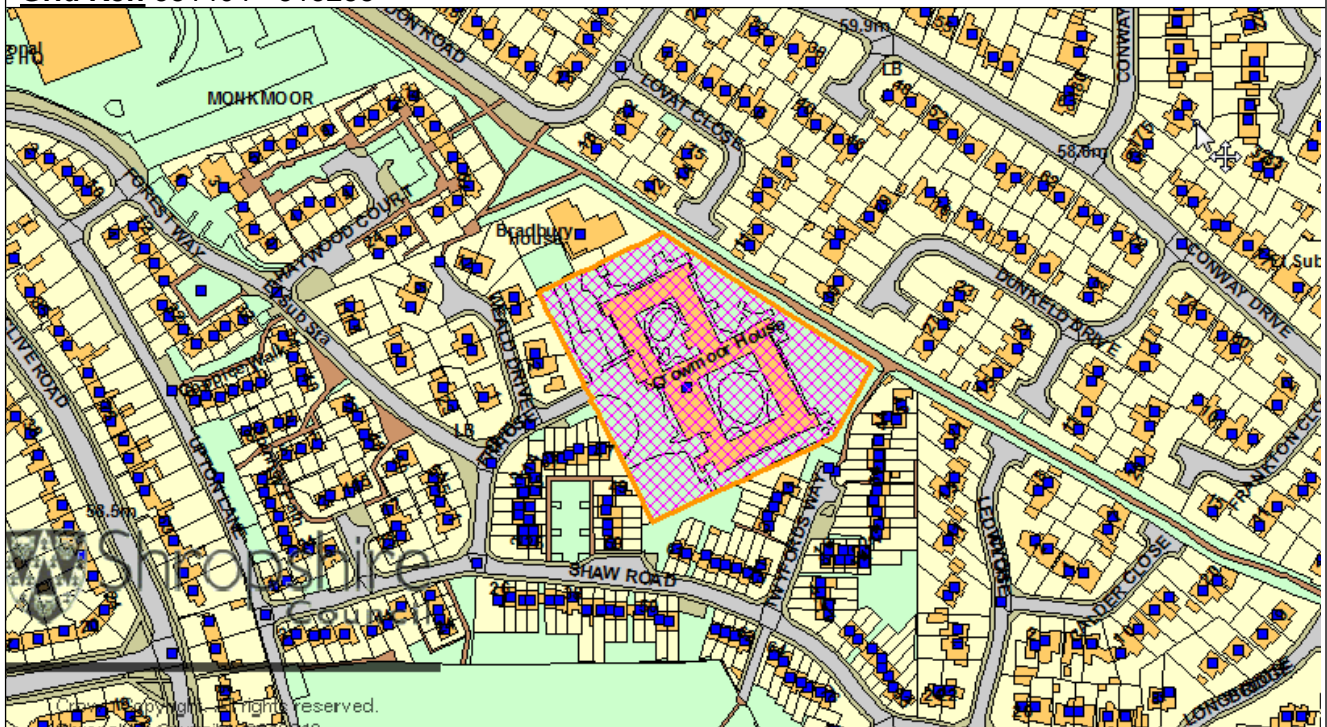
## Development Management Report

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><u>Application Number:</u></b> 18/05560/COU	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Change of use from C2 Residential Institutions to House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use)		
<b><u>Site Address:</u></b> Crowmoor House Frith Close Shrewsbury Shropshire SY2 5XW		
<b><u>Applicant:</u></b> VPS Group UK Ltd		
<b><u>Case Officer:</u></b> Jane Raymond		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 351404 - 313255



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

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

## 1.0 THE PROPOSAL

- 1.1 This application relates to change of use from C2 Residential Institutions to a House in Multiple Occupation (HMO) to provide up to 10 units (sui generis use).
- 1.2 Whilst the Council is exploring future permanent use for the premises a temporary use of the building as a HMO by VPS property guardians is proposed to provide continued maintenance and surveillance of the building and to deter any unauthorized use of the site.
- 1.3 The proposal when first submitted was for 30 units but due to insufficient parking provision and concern regarding over intensification of the use of the site the applicant was advised to reduce the number of units.
- 1.4 The plans and supporting statement now submitted indicate a maximum of 10 units with some comprising one room only and others comprising three adjoining rooms. The units will not be self-contained units and residents will share the existing separate bathrooms, kitchen and dining/living room facilities.
- 1.5 19 parking spaces are available within the existing bays, including 2 accessible spaces. No external alterations or extensions to the building are proposed.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is Crowmoor House a former residential care home owned by Shropshire Council. The applicant VPS (a Property Guardians Company) has been appointed by the Council to look after this vacant property.
- 2.2 The site is situated in Monkmoor a predominantly residential area to the north east of Shrewsbury town centre.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council for a proposal that is not in-line with statutory functions

## 4.0 Community Representations

### 4.1 - Consultee Comments

- 4.1.1 WSP on behalf of SC Drainage: No comment.
- 4.1.2 Regulatory Services: The property may require a licence Housing Act 2004 part 2 to operate as an HMO.
- 4.1.3 SC Affordable Houses: Sought confirmation on whether the units would be self-

contained bedsits or a HMO.

## 4.2 - Public Comments

4.2.1 Shrewsbury Town Council: 25.02.2019 Members were satisfied with the confirmation that no more than ten units will be installed and were happy to amend their original comments.

05.02.2019: Seeks clarification on the detail of this application and questions if the description is accurate as it is not believed to be a House in Multiple Occupation. Members consider that no more than 10 units should be considered as any more will have a detrimental impact on the neighbouring residents. It will also have a negative impact on the already problematic traffic, highway and parking problems in the area.

4.2.2 One representation received following reduction in number of units:

A lot better than the first idea, as long as everything is kept under strict control.

4.2.3 Eight letters of objection to the initial proposal for 30 units with concerns summarised as follows:

- Insufficient information to understand what is proposed
- No details of any extensions or alterations so unsure if the proposal would result in overlooking and loss of privacy
- Unsure if the proposal is a re-fit or new build and whether it will remain single storey.
- The applicant (VPS Group UK Limited) is a Security Group and doesn't seem to be anything to do with Construction
- Very limited amount of maintenance has been carried out within the last 2 years particularly with regards to hedges and trees
- Increased traffic and congestion, and impact on highway and pedestrian safety
- Insufficient parking resulting in increased parking in the streets nearby
- Concerned about the age, type and background of future tenants and could lead to anti-social behaviour
- Potential noise and disturbance
- Impact on security
- Reduction in market value and marketability of surrounding properties
- Impact on cost of car and house insurance
- Wishes the Council to pursue the use of the property as a C2 Residential Institution.

## 5.0 THE MAIN ISSUES

As no external alterations or extensions to the building are proposed the main issue for consideration is the Principle of development and Impact on residential amenity.

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of development

- 6.1.1 The site is situated within the Shrewsbury urban area within easy reach of the town centre and residential use of the site is in accordance with CS2 that identifies Shrewsbury as the main focus for all new residential development.
- 6.1.2 The provision of a 10 unit HMO will provide much needed lower cost housing accommodation whilst securing the continued occupation and maintenance of the building and the site.
- 6.1.3 It is therefore considered that the principle of development is acceptable.

## 6.2 Impact on residential and local amenity.

- 6.2.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
- 6.2.2 The proposal as now amended provides 19 car parking spaces for 10 units of occupation (some single and some double occupancy) and it is considered that this is more than sufficient and would not result in overflow parking in the streets in proximity to the site. It is also considered that this level of occupancy would not result in a significant increase in traffic movements when compared to its previous use.
- 6.2.3 No alterations or extensions are proposed and it is considered that the proposed use (limited to 10 units) would not result in any increase in noise and disturbance in the locality or result in a loss of privacy.
- 6.2.4 Whilst the concerns of local residents regarding potential future tenants and the management of the property is recognised a HMO also requires a licence to operate which specifies the number of tenants and the licence can be revoked if the property is not properly managed.
- 6.2.5 Shropshire Council have employed VPS to manage the property and the supporting statement indicates that future tenants (referred to as Guardians by VPS) are subject to the following vetting and selection process:

*To qualify to become a VPS Guardian, candidates must have:*

- 1. DBS (Formerly CRB) check*
- 2. 2 years references*
- 3. Credit and employment history check*
- 4. Employment status checks: our Guardians must be employed and earning a salary in excess of £16,000 per annum.*
- 5. Additionally, we interview all candidates, to gauge character.*

VPS have confirmed that they manage any building occupied by Guardians by conducting weekly inspections to ensure that the Guardians are adhering to the strict terms and conditions of their licence agreement.

6.2.6 A condition could be imposed to restrict occupancy to VPS Guardians only but it is considered that this would not meet the tests of being reasonable and necessary.

## 7.0 CONCLUSION

7.1 It is considered that the proposed change of use is acceptable in principle and will provide much needed lower cost residential accommodation in a sustainable location within the Shrewsbury urban area and at the same time ensuring that the property and grounds will be maintained. The number of units is restricted by the description of development and the number of tenants is also regulated by the licence that is required in addition to planning permission and it is considered that the proposal would have no significant adverse impact on the locality or residential amenity. The proposal is therefore considered to accord with MD2, CS2 and CS6 and it is recommended that the application is approved.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

#### Central Government Guidance:

National Planning Policy Framework

#### Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS2, CS6 and MD2

## 11. Additional Information

### List of Background Papers

18/05560/COU - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Pam Moseley

Appendices

APPENDIX 1 – Conditions



## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

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

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

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

**This page is intentionally left blank**



<u>Committee and date</u>
Central Planning Committee
14 March 2019

<u>Item</u>
9
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> 19/00070/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Creation of three additional parking spaces		
<b><u>Site Address:</u></b> The Red Barn 108 Longden Road Shrewsbury SY3 7HS		
<b><u>Applicant:</u></b> TC Homes		
<b><u>Case Officer:</u></b> Lynn Parker	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 348710 - 311406



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

1.1 This application is for the formation of 3 no additional parking spaces for The Red Barn Public House at 108 Longden Road, Shrewsbury. They are proposed to be located abutting the east side of the existing lower car park and would be tarmac hardstanding with timber fencing around. Each space would measure approximately 2.4m wide x 4.8m in depth. Four Leyland Cypress trees are to be removed to facilitate their formation and this has already been under Planning Ref: 18/05679/TCA by Shropshire Council Trees on 16<sup>th</sup> January 2019.

1.2 During the course of the application and in response to the Town Council's comments, the agents has provided a photograph annotating the area for the proposed development in comparison with the 440m<sup>2</sup> of rear beer garden and the 125m<sup>2</sup> of outside seating at the front of the public house that would be retained.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The site falls within Shrewsbury approximately 1 km to the south of the Town Centre, and is within Shrewsbury Conservation Area. The area proposed for the additional parking space is on the eastern side of the existing lower car park and forms the edge of the beer garden. This section of the site is essentially a shelf below the level of the south facing front elevation of the public house, Longden Road and an upper car park area. It is not easily visible from Longden Road. The building which is the Red Barn Public House is approximately 13m to the south east with access into the car parks adjacent to its west facing side elevation. To the north is an area of green space containing a copse of mature trees, that forms part of the Radbrook Valley identified within the Kingsland Special Character Area which is also part of the Shrewsbury Conservation Area.

2.2 A recent development of 4 no. terraced dwellings with associated amenity space and parking has taken place on the western side of the public house car park following the grant of Planning Permission Ref: 18/00472/FUL on 17<sup>th</sup> April 2018.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposed development is considered to accord with the requirements of the Council's relevant adopted policies, however the Town Council comments are at variance with officers' view. Local Member comments are awaited. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations have been raised which warrant consideration by the Central Planning Committee.

The Town Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the

## South Planning Committee.

## 4.0 Community Representations

## 4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council - The Town Council objects to the principle of developing green space, which is of amenity value to the patrons of the Red Barn.

## 4.2 - Public Comments

4.2.1 None received.

## 5.0 THE MAIN ISSUES

- o Principle of development
- o Impact on the historic environment
- o Impact on neighbours/amenity

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in exercising planning functions.

6.1.3 This proposal for 3 no. additional parking spaces would be a minor addition of ground level development extending the existing car park. It would involve the loss of a small area of the existing beer garden allowing a greater proportion of 440m<sup>2</sup> remaining in addition to the existing outside seating area at the front of the public house. The removal of trees to facilitate this development, already agreed in January 2019, would make a greater visual difference, if noticed, than the addition of these proposed parking spaces. The site benefits from being not easily visible from Longden Road as it is set at a lower level. Furthermore it is to be assumed that the owners of the public house, Punch Taverns, have identified a need for the additional parking spaces, weighing up the benefits of this over the loss of the small area of beer garden in order to maximise the viability of their business.

6.1.4 Therefore, the proposed development is not considered to have an adverse impact on the viable functioning of the Red Barn public house, and would be of an

appropriately minor scale, utilising appropriate materials. The principle of development is therefore acceptable.

## 6.2 Impact on the historic environment

6.2.1 It is considered that that the formation of these additional 3 no. car parking spaces extending the existing lower car park would have a negligible impact on the surrounding Conservation Area and the adjacent Kingsland Special Character Area. It would be ground level development which would not be easily visible from Longden Road to the south – it would not impact on that street scene, nor on the green space to the north as the site is already screened by the mature trees there.

## 6.3 Impact on neighbours/amenity

6.3.1 The proposed development is not close to the residential amenities of neighbouring dwellings. It would be surrounded by the existing public house site on the south, east and west sides, and the green space is located to the north

6.3.2 As discussed in paragraph 6.1.3, it is not considered that the additional 3 no. car parking spaces would adversely impact on the amenity value to its patrons of the Red Barn Public House, its beer garden and outside front seating area.

## 7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies and will not adversely affect the character or context of the adjacent built, natural or historic environment, or neighbouring residential amenity.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

National Planning Policy Framework  
National Planning Practice Guidance

### LDF Core Strategy Policies:

CS6 Sustainable Design And Development Principles  
CS17 Environmental Networks

### Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design  
MD13 Historic Environment

### RELEVANT PLANNING HISTORY:

**18/05679/TCA** - To remove 4 no. Leyland Cypress (G14) within Shrewsbury Conservation Area  
Consent By Right 16th January 2019.

**18/04246/DIS** - Discharge of Conditions 3 (Noise Assessment), 4 (External Materials), 5 (Joinery), 6 (Surface Water) and 7 (Tree Works) on Planning Permission 18/00472/FUL for the erection of 4 no terraced dwellings with associated amenity space and parking. Discharge Approved 21st December 2018.

**18/00472/FUL** - Erection of 4 no. terraced dwellings with associated amenity space and parking. Granted 17th April 2018.

**17/05217/TCA** - Works to trees (see schedule) within Shrewsbury Conservation Area. No Objection 7th December 2017

**14/04586/FUL** - Erection of 4 no. dwellings; formation of vehicular access. Granted 16th June 2016

**10/05048/TEL** - Replace existing single 14.4m single user column with a 14.4 dual user column with ground based cabinets and ancillary development. Granted 11th January 2011

**SA/07/1189/F** - Construction of a flat roof porch and ramped access to side door, new decking area and outdoor smoking shelter. Granted 12th September 2007

**SA/90/0409** - Extension to provide a conservatory, kitchen extension and general refurbishment. Granted 29th August 1990.

**SA/87/0818** - Erect and display various externally illuminated signs. Granted 1st October 1987

**SA/84/0840** - Alterations and additions to provide enlarged licenced area, erect new gents toilet facilities and extend existing car park. Granted 18th October 1984. Appeal Dismissed 8<sup>th</sup> August 1996.

**SA/81/1126** - Alterations to use existing private sitting room as public bar and upgrading of kitchen. Granted 15th January 1982.

#### 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKZ66WTDIXM00>

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

- Extent of public house garden retained photograph received on 1<sup>st</sup> March 2019.

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Julian Dean

Appendices

APPENDIX 1 - Conditions



## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITIONS**

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

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

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

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

#### **CONDITION THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. The materials used in the formation of the car parking area shall be as specified on the submitted application form.

Reason: To ensure that the works harmonise with the surrounding built environment

### **Informatives**

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

2. 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.

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

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

LDF Core Strategy Policies:  
CS6 Sustainable Design And Development Principles  
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD2 Sustainable Design  
MD13 Historic Environment

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 38.

-



Committee and date  
 Central Planning Committee  
 14 March 2019

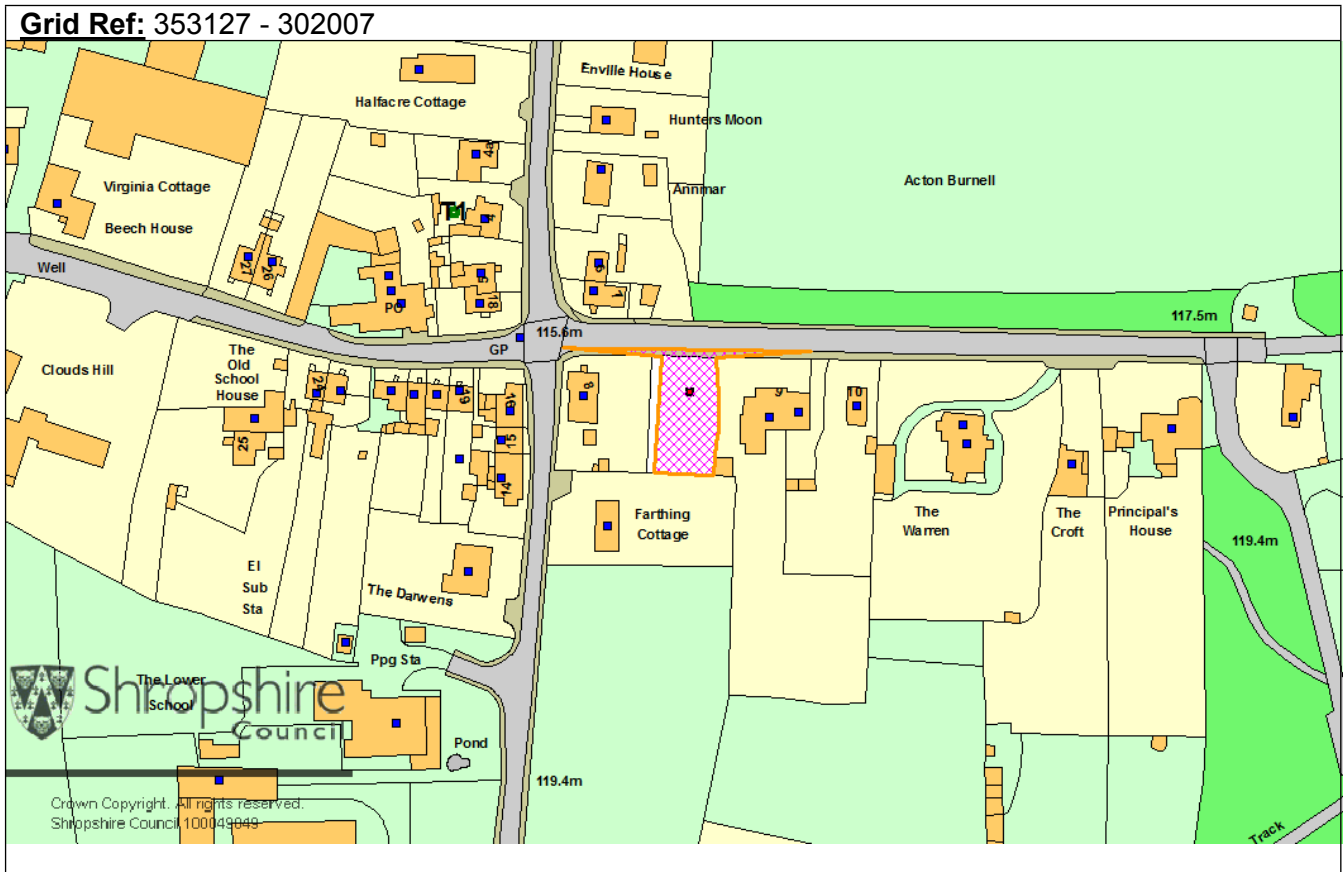
Item  
10  
 Public

## 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> 19/00097/VAR	<b><u>Parish:</u></b>	Acton Burnell
<b><u>Proposal:</u></b> Variation of Condition No.2 (approved plans) attached to planning permission 14/01477/FUL dated 18/06/2015		
<b><u>Site Address:</u></b> Mulberry House Acton Burnell Shrewsbury Shropshire SY5 7PE		
<b><u>Applicant:</u></b> Mrs S Marcham		
<b><u>Case Officer:</u></b> Toby Cowell		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>



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

Recommended Reason for Approval

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

1.1 Permission is sought for a variation of condition 2 attached to planning permission 14/01477/FUL with respect to amending the approved plans in relation to the erection of a new dwelling. The application is part-retrospective with the dwelling currently under construction, and the proposed changes relate to the following:

- ☐ Insertion of 2 x gable fronted dormer windows in the rear elevation in place of the consented rooflights;
- ☐ Removal of external chimney breast with only chimney flue protruding above the roof;
- ☐ Extension of cladding to the exterior of the dwelling now incorporating the entirety of the double height gabled projection in the principal elevation and single storey side element;
- ☐ Minor fenestration alterations to the size and type of windows/doors on both the principal and rear elevations.

1.2 The application site is currently subject to an enforcement case with the application having been submitted on the advice of the Council's enforcement officer.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site is located within the centre of the village of Acton Burnell, approximately 10 miles south of Shrewsbury town centre and 5 miles east of Dorrington. The site is located within the Acton Burnell Conservation Area, with residential properties located to the west, east and south of the site. To the immediate south lies the rear garden of Farthing Cottage, with the actual cottage being set to the south west of the site orientated so that its rear elevation faces eastwards. Farthing Cottage also has a large detached garage set to the rear of the cottage, adjacent to the boundary of the existing garden to Corner House.

2.2 To the west of the application site is the house in ownership of the applicants, Corner House. The main elevations of Corner House front the two adjacent roads on its north and west elevations, although there are a small number of window openings on the eastern elevation that look toward the application site across the remainder of the garden area. To the east of the application site lies another

detached residential property, No.9 Acton Burnell, that is fairly well screened by trees and planting. No.9 is orientated so that its front elevation faces north, with its access driveway running from the northern driveway entrance down along the western side of the property.

2.3 Acton Burnell is not identified as comprising a Community Hub or Cluster within the SAMDev, and therefore constitutes Open Countryside,

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

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the objection from the Parish Council is contrary to the officer's recommendation. The application was considered at the Council's Central Planning Committee Agenda Setting Meeting and deemed appropriate to be heard by the Central Planning Committee.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

##### **4.1.1 Acton Burnell Parish Council**

The Parish Council objects to this application. The original planning permission decision clearly identified the conditions under which planning was granted. The changes that have been made, to the development, show a complete disregard of the conditions that were put in place to both 'ensure the external appearance of the development is satisfactory within the conservation area' and 'to ensure the amenity and privacy of adjoining properties'.

##### **4.1.2 SC Ecology**

SC Ecology do not appear to have commented on 14/01477/FUL. We have no comments to make on this VAR application.

##### **4.1.3 SC Trees**

No comments to make.

##### **4.1.4 SC Highways**

No Objection – This application relates to a change to the approved plans attached to planning permission 14/01477/FUL dated 18<sup>th</sup> June 2015 to allow amendments to the external design of the house. The changes are not highway related and we have no comments to make on the proposed changes.

##### **4.1.5 SC Archaeology**

No comments to make.

##### **4.1.6 SC Affordable Houses**

No comments received at the time of writing the report.

#### **4.2 - Public Comments**

4.2.1 This application was advertised via notice at the site. Additionally, the occupants

of 9 neighbouring properties were individually notified by way of publication. At the time of writing this report, 5 letters of representations had been received in objecting to the proposals on the followings grounds:

- Increased overlooking from enlarged window and rear dormers;
- Oak cladding out of keeping with the locality;
- Dwelling has been increased in height – detrimental impact on neighbouring Grade II listed property and wider locality;
- Dwelling has been built in incorrect position and brought forward within the site;
- A number of trees have been removed from the boundary of the property;
- Impact on Conservation Area.

## **5.0 THE MAIN ISSUES**

5.1 The principle of erecting a new dwelling has been established through the previous granting of planning permission under ref. 14/01477/FUL. The purpose of this report therefore focusses on the following matters:

### **Character and appearance Neighbouring amenity**

## **6.0 OFFICER APPRAISAL**

### **6.1 Character and appearance**

6.1.1 Section 12 ‘Achieving Well-Designed Places’ of the National Planning Policy Framework indicates the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Development should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and sympathetic to local character and history, including the surrounding built environment and landscape setting, without resulting in the discouragement of appropriate innovation or change.

6.1.2 At the local level, Policy CS5 ‘Countryside and Green Belt and Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy encourages development that improves the sustainability of rural communities whilst requiring development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

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

- 6.1.4 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.1.5 SAMDev Policy MD13: The Historic Environment further states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.1.6 In conjunction with the live enforcement case for the site, information has been submitted by the builder that the dwelling is built in accordance with the originally approved plans with respect to the height and positioning within the site. Notwithstanding this however, the Conservation Officer has reviewed the current status of the site in relation to the positioning and height of the dwelling currently under construction, and considered that the development does not result in a significant impact upon the character of the wider Conservation Area or the setting of the adjacent Grade II listed building.
- 6.1.7 Furthermore, whilst it is noted that the revised plans currently being considered as part of this application include a substantial increase of timber cladding to the exterior of the property, as is now currently evident on site, it is considered that the cladding would be weathered over time to a satisfactory degree that the resultant appearance of the dwelling's exterior would be acceptable from a visual impact standpoint.
- 6.1.8 No concerns are considered to be apparent with respect to the modifications to the chimney breast/flue, and the minor fenestration alterations and addition of dormers to the rear would likely improve the character of the dwelling when compared to the previously consented plans.
- 6.1.9 Consequently, the revised plans with respect to the proposed dwelling are considered to be acceptable from a visual impact perspective that would not unduly detract from the intrinsic character of the wider Conservation Area.

## **6.2 Neighbouring amenity**

- 6.2.1 Policy CS6 of the Core Strategy seeks to safeguard residential and local amenity. The insertion of dormers within the rear elevation of the dwelling is not considered to materially impact the amenities of the adjacent residential property, Farthing Cottage, with respect to overlooking that the previously consented rooflights and first floor rear windows. The reasonable separation distance and presence of a detached garage within the curtilage of the aforementioned neighbouring property also satisfactorily mitigate against any realistic impact. No further issues are considered to be apparent within respect to neighbouring amenity in relation to the amended plans.

## **7.0 CONCLUSION**

The proposed variation of condition application with respect to amending the

previously approved plans for the new dwelling are considered to be acceptable, insofar as such variations would not result in a detrimental impact upon the visual amenities of the locality, the wider Conservation Area in general or the amenities of surrounding residential properties.

Officer therefore recommend that the application be approved, subject to conditions set out in Appendix 1.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a



number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD7B - General Management of Development in the Countryside

MD13 - Historic Environment

National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

13/02246/FUL Erection of 1No dwelling; formation of vehicular access and works to trees WDN 19th August 2013

14/01477/FUL Erection of 1No dwelling; formation of vehicular access and works to trees GRANT 18th June 2015

17/00524/VAR106 Variation of Section 106 agreement pursuant to 14/01477/FUL to reduce the level of affordable housing contribution, in this instance the AHC would be £18,000 so the reduced payment of 10% would be £1,800 REFUSE 7th April 2017

17/04205/TCA Removal of Leylandi Hedge and fell 1no Laburnam tree within Acton Burnell Conservation Area NOOBJC 12th October 2017

17/05415/LBC Demolition of existing garage, removal of internal partition walls on first floor, removal of concrete steps and construction of new steps formulated of Acton Burnell Stone with handrails, affecting a Grade II Listed Building (Amended Description) GRANT 29th January 2018

17/05418/FUL Erection of single storey side extension ,demolition of existing garage and construction of timber shed and greenhouse,removal of existing external concrete steps and construction of new steps formulated of Acton Burnell Stone with handrails ,affecting a Grade II Listed (Amended Description) GRANT 30th January 2018

17/05419/LBC Erection of single storey side extension affecting a Grade II Listed Building GRANT 30th January 2018

18/01615/DIS Discharge of Conditions 5 (Joinery), 6 (Roof Details), 7 (Roof Materials), 8 (Metal Rainwater Goods & External Plumbing) and 9 (Decorative Finishes) on Planning Permission 17/05419/LBC for the erection of single storey side extension affecting a Grade II Listed Building DISAPP 9th May 2018

18/02105/DIS Discharge of condition 3 (Materials) 4 (Watching Brief - Archaeology) attached to planning permission 14/01477/FUL Erection of 1No dwelling; formation of vehicular access and works to trees DISAPP 3rd July 2018

18/02343/TCA To remove 1 No Walnut Tree within Acton Burnell Conservation Area CBR 12th June 2018

18/02861/TCA Remove 1no woody species within Acton Burnell Conservation Area CBR 19th July 2018

19/00097/VAR Variation of Condition No.2 (approved plans) attached to planning permission 14/01477/FUL dated 18/06/2015 PCO

SA/86/1128 Formation of new vehicular and pedestrian accesses. PERCON 28th January 1987

SA/08/0539/TRE To fell one Larch tree and replant with more native species within Acton Burnell Conservation Area NOOBJC 28th May 2008

14/01477/FUL Erection of 1No dwelling; formation of vehicular access and works to trees GRANT 18th June 2015

17/00524/VAR106 Variation of Section 106 agreement pursuant to 14/01477/FUL to reduce the level of affordable housing contribution, in this instance the AHC would be £18,000 so the reduced payment of 10% would be £1,800 REFUSE 7th April 2017

17/04205/TCA Removal of Leylandi Hedge and fell 1no Laburnam tree within Acton Burnell Conservation Area NOOBJC 12th October 2017

18/02105/DIS Discharge of condition 3 (Materials) 4 (Watching Brief - Archaeology) attached to planning permission 14/01477/FUL Erection of 1No dwelling; formation of vehicular access and works to trees DISAPP 3rd July 2018

18/02343/TCA To remove 1 No Walnut Tree within Acton Burnell Conservation Area CBR 12th June 2018

19/00097/VAR Variation of Condition No.2 (approved plans) attached to planning permission 14/01477/FUL dated 18/06/2015 PCO

SA/08/0539/TRE To fell one Larch tree and replant with more native species within Acton Burnell Conservation Area NOOBJC 28th May 2008

## 11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member

Cllr Dan Morris

Appendices  
APPENDIX 1 - Conditions

## APPENDIX 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. 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 class 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.

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

3. The access shall be constructed in accordance with the approved drawing prior to the dwelling hereby approved being first brought into use.

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

4. All soft landscape works shall be carried out in accordance with the approved arboricultural survey tree removal plan reference No.N023.1.30.8RevA and site plan No. N023.1.3.03RevB received on 18th June 2014. The works shall be carried out prior to the occupation of any part of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

5. The replacement tree at the frontage should be planted a staked standard size in the first planting season following construction and be of the following type: 1 No Acer platanoides (Norway Maple) min size of girth 10 -12 cm.

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

6. All trees and hedges which are to be retained in accordance with the approved plans no's N023.1.30.8RevA received on 18th June 2014 shall be protected with protective fencing in accordance with the BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenity of the site by protecting trees

7. The first floor windows in the west and east (side) elevations shall be permanently glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in these elevations above ground floor level.

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

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

**This page is intentionally left blank**



Committee and date  
 Central Planning Committee  
 14 March 2019

Item  
**11**  
 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

<b>LPA reference</b>	18/02392/OUT
<b>Appeal against</b>	Non Determination
<b>Appellant</b>	The Saxonby Group
<b>Proposal</b>	Outline application (access for consideration) for residential development and formation of vehicular access
<b>Location</b>	Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury
<b>Date of application</b>	25.05.2018
<b>Officer recommendation</b>	-
<b>Committee decision (delegated)</b>	-
<b>Date of decision</b>	-
<b>Date of appeal</b>	11.01.2011
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	

**This page is intentionally left blank**