



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

Date: Monday, 29 April 2019

Committee:
South Planning Committee

Date: Wednesday, 8 May 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

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

Substitute Members of the Committee

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

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes - TO FOLLOW

To confirm the minutes of the South Planning Committee meeting held on 9 April 2019 – TO FOLLOW

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

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

4 Disclosable Pecuniary Interests

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

5 The Old Post Office, Chetton, Bridgnorth, Shropshire, WV16 6UF (18/03091/FUL) (Pages 1 - 30)

Replacement of existing bungalow with 1 / 1.5 storey four bedroom dwelling and associated landscaping (amended description and plans).

6 Proposed Residential Development Land East of the Bull Ring, Claverley, Shropshire (18/05149/FUL) (Pages 31 - 62)

Proposed Residential Development Land East of the Bull Ring, Claverley Shropshire.

7 Unit 7, The Aspire Centre, Burford, Tenbury Wells, Shropshire (19/00185/COU) (Pages 63 - 70)

Change of use from office and storage to private gym facility.

8 Proposed Dwelling To The South Of Hopesay, Shropshire (19/00218/FUL) (Pages 71 - 100)

Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description).

9 Hillside Rowley, Shrewsbury, Shropshire, SY5 9RY (19/00758/FUL) (Pages 101 - 106)

Erection of 2 storey extension to rear of building; detached 3-bay part open fronted garage block.

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

11 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 4 June 2019, in the Shrewsbury Room, Shirehall.

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Committee and date
 South Planning Committee
 8 May 2019

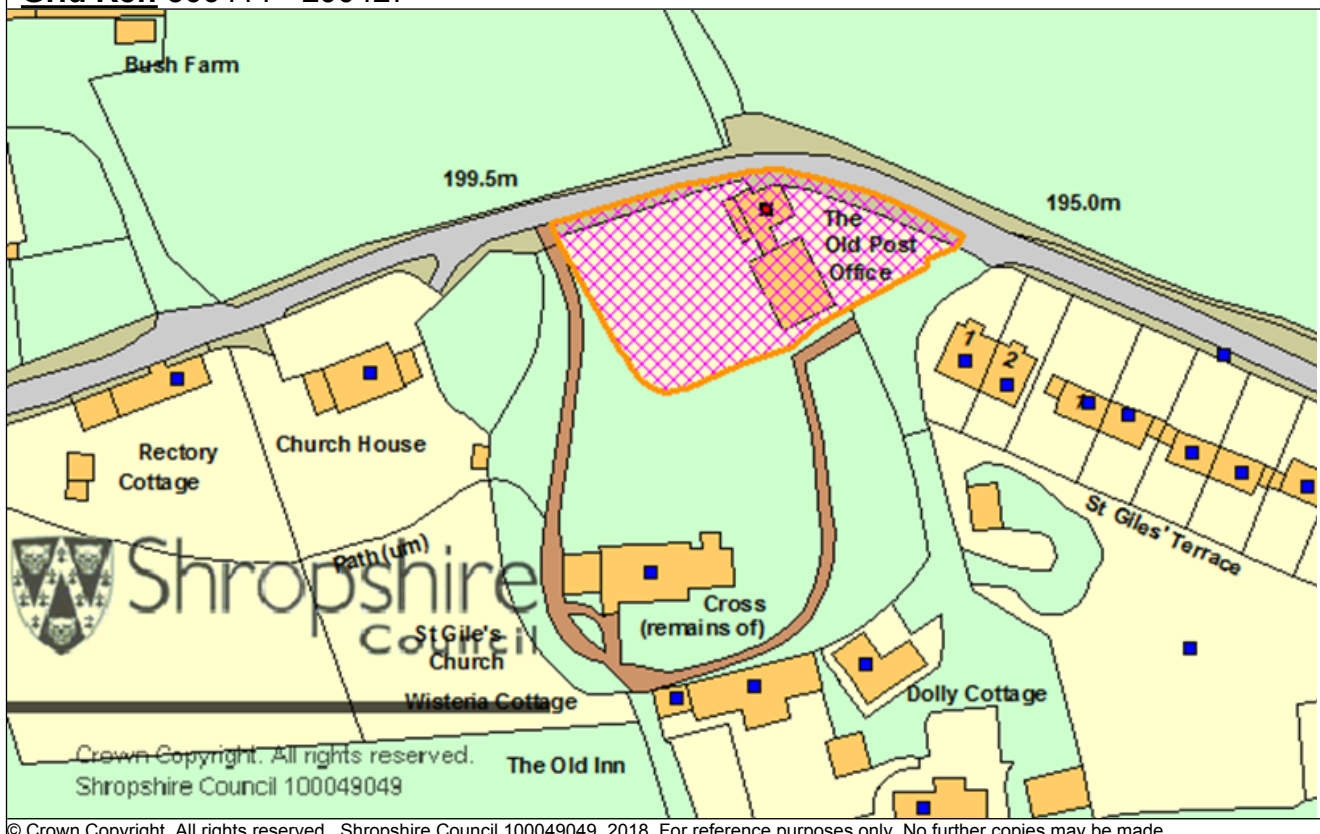
Development Management Report

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

Summary of Application

Application Number: 18/03091/FUL	Parish: Chetton
Proposal: Replacement of existing bungalow with 1 / 1.5 storey four bedroom dwelling and associated landscaping (amended description and plans)	
Site Address: The Old Post Office Chetton Bridgnorth Shropshire WV16 6UF	
Applicant: Moore	
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk

Grid Ref: 366411 - 290427



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning consent for the construction of a dwelling to replace the existing dwelling known as The Old Post Office, Chetton.
- 1.2 This development was first considered by the Planning Committee (South) on the 12 February 2019 where it was resolved that the application be deferred to enable the applicant to give further consideration to the design, materials and fenestration of the proposal.
- 1.3 Amended plans have since been formally submitted for consideration and on receipt of these, a full re-consultation of all neighbours and consultees has taken place.
- 1.4 Principally, the design of the dwelling has been amended to provide a more traditional visual appearance. The proposed palette of external materials has been reduced with facing brickwork to the external walls, a slate roof, and casement-style timber windows with stone cills. A brick chimney has replaced the previously proposed flue. The development remains the same in terms of its scale and siting.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within an area defined by planning policy to be open countryside. It is situated within the settlement of Chetton approximately four miles south-west of the market town of Bridgnorth. Chetton does not have its own development boundary.
- 2.2 The Old Post Office is a detached bungalow accessed down Chetton Lane, which serves Chetton from the B4364 road linking Bridgnorth and Ludlow. This lane is mostly single width, is not lit, and does not have a pavement. The site lies within the main core of Chetton, with the adjacent roadside sweeping around it. St Giles Church, a Grade II* listed building, and its respective churchyard abut the site to the south.
- 2.3 The existing bungalow is clustered to the east of the application site and is set behind a dense hedgerow. It is set upon a plinth to accommodate the change in land levels, which rise upward away from the roadside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application was first considered at Planning Committee (South) 12 February 2019 where it was resolved that the development be Deferred to

enable the applicant to give further consideration to the design, materials and fenestration. Having now received amended plans, and undertaken a full re-consultation of consultees, the amended scheme is now ready to be presented to the Planning Committee for further consideration.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

Consultee Comments

The following consultee comments were received in relation to the most recent set of amended plans -

- 4.1 Chetton Parish Council
No response received at the time of writing this Report.
- 4.2 Historic England
No comments to make
- 4.3 Shropshire Council (Affordable Housing)
Replacement dwellings are exempt from the need to contribute to affordable housing. Attention is drawn to paragraph 2.23 of the SPD Type and Affordability of Housing that stipulates that replacement dwellings should 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".
- 4.4 Shropshire Council (Ecology)
No additional comments to make.
- 4.5 Shropshire Council (Rights of Way)
No comments to make.
- 4.6 Shropshire Council (Highways)
Recommend informatives if minded to approve.
- 4.7 Shropshire Council (Archaeology)
No additional comments to make.
- 4.8 Shropshire Council (Drainage)
Recommend informatives if minded to approve.
- 4.9 Shropshire Council (Conservation)
No objection.
- 4.10 Shropshire Council (Trees)
Recommend conditions relating to tree safeguarding and tree planting if

mindful to approve, including a Tree Protection Plan and Arboricultural Method Statement.

4.11 **Public Comments**

A site notice was displayed on the boundary of the application site 05 April 2019 following receipt of the most recent set of amended plans. No letters of representation have been received at the time of writing this Report.

5.0 **THE MAIN ISSUES**

- ☐ Siting, scale and visual impact of the replacement dwelling
- ☐ Residential amenity considerations
- ☐ Historic environment considerations

6.0 **OFFICER APPRAISAL**

6.1 **Siting, scale and visual impact of the replacement dwelling**

6.1.1 Following the resolution to Defer this application at the South Planning Committee 12 February 2019, the agent has worked positively and proactively with the local planning authority to achieve what Officers consider to be a high quality traditional design that would complement both the historic setting of the site and the wider built form of Chetton. Details of external materials would be conditioned on any approval notice.

6.1.2 A revised Design and Access Statement submitted in support of the most recent set of amended plans further confirms that –

- ☐ The proposed position of the replacement dwelling remains unchanged from that previously presented at planning committee
- ☐ The proposed footprint of the replacement dwelling is unchanged from that previously presented at planning committee
- ☐ The proposed height/scale of the replacement dwelling is unchanged from that previously presented at planning committee

6.1.3 The development is therefore considered to be acceptable in this regard.

6.2 **Residential amenity considerations**

6.2.1 No letters of representation have been received at the time of writing this Report in relation to the most recent set of amended drawings. However, and in any event, it is noted that the most recent amendments to the design of this development would not significantly affect any neighbouring occupier over and above that of the previous scheme previously presented to the South Planning Committee.

6.2.2 The development is therefore considered to be acceptable in this regard.

6.3 **Historic Environment considerations**

- 6.3.1 Referring to the most recent set of drawings submitted to the Council for consideration, no objection has been raised by Shropshire Council's Conservation Officer. Further, in their letter dated 02 April 2019 Historic England responded in their capacity as consultee, stating -

Thank you for your letter of 28 March 2019 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

- 6.3.2 The development is therefore acceptable in this regard.

7.0 **CONCLUSION**

- 7.1 The amended plans received following the resolution to Defer this application at the February 2019 South Planning Committee are acceptable. The proposal as amended is considered to reflect the comments made by members and achieve an appropriate, high quality design, thus according with the principal determining criteria of the relevant development plan policies.

- 7.2 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/00934/FUL Erection of extension to dwelling GRANT 27th April 2012
 17/06156/FUL Replacement of existing bungalow with 1.5 / 2 storey three-bedroom dwelling with integrated garage and associated landscaping WDN 7th March 2018

11. Additional Information

View details online:

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access and Heritage Statement Bat Roost Assessment
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Robert Tindall

Appendices APPENDIX 1 – Conditions APPENDIX 2 – Report considered at the 12 th February 2019 South Planning Committee meeting
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APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Before development commences details of the proposed finished ground floor levels of the dwelling relative to those of the existing dwelling and existing site levels, referenced to an ordnance datum, 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.

Reason: To ensure that the relationship of the built dwelling with the listed St Giles Church is in accordance with the street scene drawings, for the avoidance of doubt and to safeguard the setting of the listed church.

6. Prior to commencement of development a scheme shall be submitted to the written satisfaction of the local planning authority to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall include an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. All pre-commencement tree protection measures detailed in the approved AMS and TPP shall be fully implemented to the written satisfaction of the local planning authority, before any development-related equipment, materials or machinery are brought onto the site.

The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

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

7. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the completed dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost, seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

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

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

9. Prior to being incorporated into the building, details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority. 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.

10. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently installed. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

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

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken to the replacement dwelling hereby approved without express planning permission first being obtained from the Local Planning Authority:-

- Any extension or alteration to the dwellinghouse, including the insertion of any additional windows or dormer windows
- Any addition or alteration to its roof
- The erection of a porch
- The formation of additional hard surfacing
- The erection of any fences, gates or walls
- The construction of any free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to monitor the amount of development occurring on site and to safeguard the character and visual amenities of the area.

Informatives

1. 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 by the National Planning Policy Framework, paragraph 38.

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

Central Government Guidance:
National Planning Policy Framework

Shropshire Council Core Strategy:
CS01 - Strategic Approach
CS05 - Countryside and Green Belt
CS06 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:
MD01 - Scale and Distribution of Development
MD02 - Sustainable Design
MD03 - Delivery of Housing Development
MD07A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment

Type and Affordability of Housing Supplementary Planning Document (SPD)

3. ECOLOGY INFORMATIVES

Nesting bird informative

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

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

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place within 5m of an active nest.

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

Bats informative

All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

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

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

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Landscaping informative

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

4. DRAINAGE INFORMATIVES

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

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

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

5. HIGHWAYS INFORMATIVES

Mud on highway

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

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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APPENDIX 2 TO UPDATE REPORT ON 18/03091/FUL WHICH IS THE REPORT
 CONSIDERED AT THE 12TH FEBRUARY 2019 SOUTH PLANNING COMMITTEE MEETING



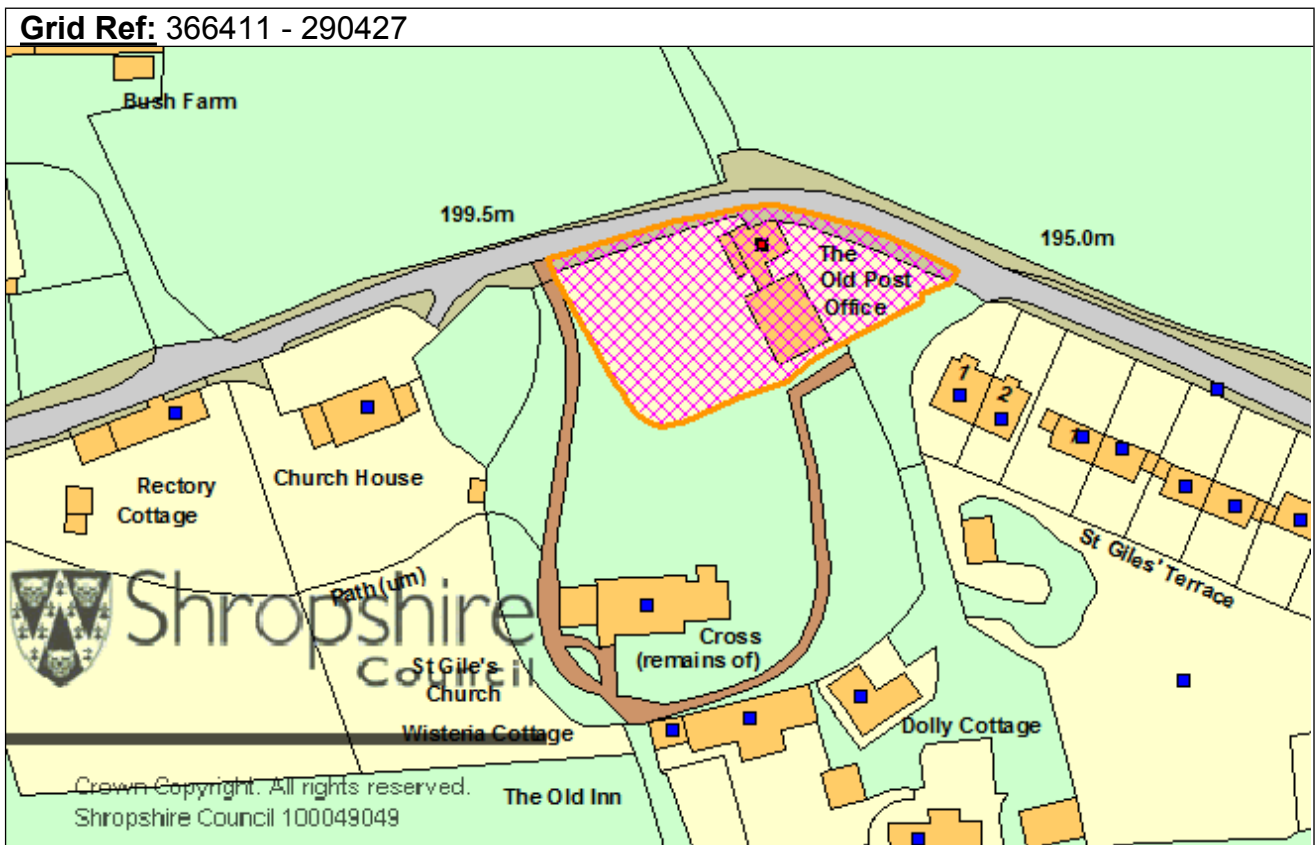
Committee and date	Item
	Public

Development Management Report

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

Summary of Application

Application Number: 18/03091/FUL	Parish: Chetton
Proposal: Replacement of existing bungalow with 1 / 1.5 storey four bedroom dwelling and associated landscaping (amended description and plans)	
Site Address: The Old Post Office Chetton Bridgnorth Shropshire WV16 6UF	
Applicant: Moore	
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning consent for the construction of a dwelling to replace The Old Post Office, Chetton, which is a bungalow with a dual pitched roof linked by a utility corridor to a garage and annexe area which has a shallow pitched roof.
- 1.2 The replacement dwelling would principally comprise of brick external walls with elements of timber and zinc cladding, a slate roof and dark grey aluminium windows and roof lights. On ground floor level, the dwelling would feature four bedrooms (two en-suite) a bathroom, lobby, large kitchen-dining area, utility room and lounge. A study room would feature above in part of the roof space.
- 1.3 This application is a resubmission of application ref: 17/06156/FUL for a replacement dwelling on this site which was withdrawn before a decision was issued.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within an area defined by planning policy to be open countryside. It is situated within the settlement of Chetton approximately four miles south-west of the market town of Bridgnorth. Chetton does not have its own development boundary.
- 2.2 The Old Post Office is a detached bungalow accessed down Chetton Lane, which serves Chetton from the B4364 road linking Bridgnorth and Ludlow. This lane is mostly single width, is not lit, and does not have a pavement. The site lies within the main core of Chetton, with the adjacent roadside sweeping around it. St Giles Church, a Grade II* listed building, and its respective churchyard abuts the site to the south.
- 2.3 The existing bungalow is clustered to the east of the application site and is set behind a dense hedgerow. It is set upon a plinth to accommodate the change in land levels, which rise upward away from the roadside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the officer recommendation and the Ward Member has requested Committee determination. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised

warrant this application being determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

Please note that all comments are available to view in full on the Shropshire Council website.

Consultee Comments

4.1 Chetton Parish Council

Objection (11.09.18)

Councillors discussed the above application at the recent Parish Council meeting. The Architect had been invited to attend with full size drawing of the site, a depiction of the building from the churchyard and an explanation of where the proposed ground source heating equipment would be placed. Unfortunately the invitation had been declined but more information had been provided to the Case Officer. The proposals were discussed at length, however it was considered that there was little significant change from the previous application, the building would be completely out of place and not at all in keeping with the existing settlement. Councillors strongly objected and requested that the application be 'called in' to the Planning Committee if the Case Officer was minded to approve it.

4.1.1 Chetton Parish Council – Re-consulted following resubmitted plans

Objection (29.01.19)

Chetton Parish Council has considered the revised plans for The Old Post Office, Chetton and wish to make the following comments.

The new drawings show a modern designed bungalow situated in a traditional Shropshire village next to an ancient Grade 11* Listed church. The original bungalow now known as The Old Post Office was built prior to 1820 when it opened as a National School on land donated by the Church and used by local children until The Down School was built in 1884 when all pupils were transferred. The building then became the local post office and has been used as a private residence until it was recently placed on the market.

Whilst it is agreed that the Old Post Office is in urgent need of restoration Councillors consider that it should be carried out using traditional methods and materials which reflect its historic setting. They think that the amended design shows little or no improvement on the previous plans in that the roof height, materials used i.e. zinc cladding, aluminium guttering and large window panes are completely out of character with the adjacent properties and the village as a whole.

Councillors strongly object to the proposals and again request that if the Case Officer is minded to give consent, the application be called in to a meeting of Shropshire Planning Committee.

4.2 Shropshire Council (Drainage)

Recommend informatives if minded to approve.

- 4.3 Shropshire Council (Trees)
Recommend conditions if minded to approve.
- 4.4 Shropshire Council (PROW)
No comments to make.
- 4.5 Shropshire Council (Affordable Housing)
No affordable housing contribution required.
- 4.6 Shropshire Council (Highways)
Recommend informatives if minded to approve.
- 4.7 Shropshire Council (Conservation)
Recommend conditions if minded to approve amended drawings.
- 4.8 Shropshire Council (Archaeology)
Recommend condition if minded to approve.
- 4.9 Shropshire Council (Ecology)
Recommend conditions and informatives if minded to approve.
- 4.10 Historic England (re-consulted)
No comments to make on amended drawings.

Public Comments

- 4.11 A site notice was displayed on the 2 August 2018 and 21 December 2018 following the submission of amended plans on the site boundary. Neighbours and consultees were notified on both occasions.
- 4.12 A total of seven contributors have made written representations to the Council at the time of writing this Report, objecting to the development. The points below that are highlighted in **bold** are matters that were repeated in representations following the submission of amended plans. The key points raised by objectors that are material planning considerations are listed as follows:
- Discrepancies with the application form
 - Visual impact (**Scale, Materials, Design**)
 - Overlooking
 - **Proximity to trees/existing hedgerows and trees should be protected**
 - **Impact on St Giles Church**
 - Lack of plans
 - Application should be withdrawn
 - Archaeology concerns

The following points raised by contributors that are not material planning considerations and cannot be considered as part of the determination of this planning application are listed as follows:

- Matters relating to the construction process

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and visual impact of replacement dwelling and on setting of listed building
- Residential amenity (Included under letters of representation)
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given significant weight in the determination of planning applications.
- 6.1.4 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy and Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 'The Market Towns and Key Centres', CS4 'Community Hubs and Clusters', CS5 'Countryside and Green Belt' and CS11 'Type and Affordability of Housing' of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015.
- 6.1.5 SAMDev Plan policy MD7a(3) states that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with established continuing residential use; that 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. It continues by stating that where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.
- 6.1.6 Shropshire Council's Type and Affordability of Housing Supplementary

Planning Document (SPD) states that the following considerations should be taken into account regarding replacement dwellings:

- The visual impact of the replacement dwelling 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.
- 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.
- 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.

6.1.7 The existing dwelling in this case is a permanent structure with an established continuing residential use and the proposed replacement would be in the same position on the land. The principle of replacement dwellings is therefore accepted, subject to further planning considerations relating to details of the proposed replacement dwelling.

6.2 Siting, scale and visual impact of the replacement dwelling on setting of listed building

6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policies CS6 'Sustainable Design and Development Principles' and CS17

'Environmental Networks' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness.

Furthermore, development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity and the setting of heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings or their settings, or any features of special architectural or historic interest that they possess in the exercise of planning functions.

6.2.2 Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

6.2.3 The proposed replacement dwelling would be situated on a similar footprint to the existing dwelling to be demolished. The existing dwellinghouse has a footprint of around 195 square metres when measuring from the submitted plans. It is split into two principle sections, linked by a galley utility room in a 'H' shape. The first section comprises of two bedrooms, a lounge, bathroom, hallway, and a small unnamed 'snug' type room; with the other section comprising of a large garage and annex.

6.2.4 The proposed replacement dwelling would have a footprint of around 175 square metres when measuring from the submitted plans. The 'H' shape

would be loosely followed, but with the main bulk of the dwelling being in the central area. The arm of the 'H' nearest to St Giles church is proposed to be pulled back into the main bulk of the dwelling and would instead encroach forward towards the roadside.

6.2.5 The proposed dwelling would loosely follow the character of the existing dwellinghouse by virtue of its predominantly brick external walls and the main focus of accommodation being to the ground floor. It is however noted that a study area is proposed in the roof space above. At present, the existing dwellinghouse is a single storey, low slung building, which has been subject to alterations and additions over time. This property is of limited architectural merit, and while no case has been put forward to suggest that the dwelling is structurally unstable, a site visit has ascertained that it is in need of renovation.

6.2.6 It is pertinent to note that Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. In this case, the agent has proactively worked with Council Officers and Historic England for a significant length of time in order to address design/impact concerns of the proposed a replacement dwelling. The revised design has resulted in Historic England withdrawing their original objections to the proposal. The Council's Conservation Officer for the area considers that the amended plans submitted show a clear reduction in scale of the proposed replacement and have taken on board the comments and issues raised previously. Officers consider the revised represents careful consideration of its historic setting adjacent to the listed St Giles Church, responds to the comments received by Historic England and Shropshire Council's Conservation team; and more widely preserves the visual amenity of the village by its predominantly brick exterior and simpler design. The roofline has also been reduced to more closely match that of the existing dwellinghouse to reduce its visual impact. It is therefore considered to satisfy Development Policies CS6, CS17 and MD2 with respect to being appropriate in scale and design and not detracting from the setting of the listed Church.

6.3 Letters of representation

6.3.1 At the time of writing this Report, seven letters of representation have been received, objecting to the development. Please note that all responses are available to view in full on the Council's website. The key points raised are briefly considered in turn below.

6.3.2 Discrepancies with the application form

All valid documents that are submitted with a planning application are taken in good faith by the Council as being factually correct unless significant information comes forward which proves otherwise. In this case the inaccuracies alleged relate to the answer of 'no' to the question "Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the

local landscape character?” Despite being incorrect, this discrepancy is not considered to hold significant weight as to affect the overall determination of the planning application, and Shropshire Council’s Trees team were consulted as part of this application in any event.

6.3.3 Overlooking

Core Strategy policy CS6 seeks to safeguard residential and local amenity. One window is proposed at first floor level that would overlook the roadside only, with all remaining windows being limited to the ground floor. The Old Post Office is a single detached dwelling on its own plot, and is separated from the dwellings at St Giles Terrace by a vehicular track. The submitted site plan shows that the proposed dwelling would be set back further away from the boundary nearest to the neighbouring dwelling 1 Church View than that which currently exists. In any event, the orientation of these dwellings ensures that any views between occupiers would be oblique, with a separation distance from each side elevation measuring around 20 metres, which is acceptable.

6.3.4 Visual impact (Scale, Materials, Design)

As discussed earlier in the report, the visual impact of the development is considered to be acceptable in its setting as a dwelling that provides a level of interest within the plot through the use of building materials and an appropriate degree of contemporary design. Samples of external materials would be required by planning condition to ensure that they would be appropriate in this location.

6.3.5 Proximity to trees/existing hedgerows and trees should be protected

Shropshire Council’s Trees team have been consulted as part of this application, who have requested the inclusion of conditions on any approval notice.

6.3.6 Impact on St Giles Church

Historic England, and Shropshire Council’s Archaeology and Conservation team have been consulted as part of this application, who have made comments in relation to the development. These are discussed within this Report.

6.3.7 Lack of plans

The Council considers there to be sufficient detail included as part of the submitted application to make a sound and reasoned judgement on its acceptability. In any event, it is noted that this concern was not raised following the submission of amended plans. It is pertinent to note that all plans should be publicly available to view online using the Planning webpages of Shropshire Council’s website.

6.3.8 Application should be withdrawn

This application is noted, however it would be the choice of the agent/applicant to withdraw an application.

6.3.9 Archaeological concerns

Shropshire Council’s Archaeology team have been consulted as part of

this application, who have requested that a condition is applied to any approval notice.

6.4 **Other Matters**

6.4.1 Affordable Housing

Paragraph 63 of the revised NPPF (July 2018) advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas, where policies may set a lower threshold of 5 units or fewer. This site is not within a designated rural area and is for a replacement dwelling. There are no specific circumstances that would justify giving greater weight to Development Plan policies with respect to affordable housing which are older than the NPPF in this particular case. As such an affordable housing contribution is not required.

7.0 **CONCLUSION**

7.1 Based on the information submitted against the above considerations, the proposal as amended is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

7.2 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/00934/FUL Erection of extension to dwelling GRANT 27th April 2012
17/06156/FUL Replacement of existing bungalow with 1.5 / 2 storey three-bedroom dwelling with integrated garage and associated landscaping WDN 7th March 2018

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PBAY2ZTDMJK00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access and Heritage Statement Bat Roost Assessment
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Robert Tindall
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.

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Prior to commencement of development a scheme to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. All pre-commencement tree protection measures detailed in the approved AMS and TPP shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site.

The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

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

6. No works associated with the development shall commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme has been submitted to and approved in writing by the Local Planning Authority . The approved scheme shall include:

a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support and measures for post-planting maintenance and replacement of losses;

b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the completed dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost, seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

7. Before development commences details of the proposed finished ground floor levels of the dwelling relative to those of the existing dwelling and existing site levels, referenced to an ordnance datum, 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.

Reason: To ensure that the relationship of the built dwelling with the listed St Giles Church is in accordance with the street scene drawings, for the avoidance of doubt and to safeguard the setting of the listed church.

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

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

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

9. Prior to being incorporated into the building, details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority. 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.

10. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently installed. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken to the replacement dwelling hereby approved without express planning permission first being obtained from the Local Planning Authority:-

- Any extension or alteration to the dwellinghouse, including the insertion of any additional windows or dormer windows
- Any addition or alteration to its roof
- The erection of a porch
- The formation of additional hard surfacing
- The erection of any fences, gates or walls
- The construction of any free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to monitor the amount of development occurring on site and to safeguard the character and visual amenities of the area.

Informatives

1. ECOLOGY INFORMATIVES

Nesting bird informative

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

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

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place within 5m of an active nest.

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

Bats informative

All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

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

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

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Landscaping informative

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

2. DRAINAGE INFORMATIVES

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

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

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

3. HIGHWAYS INFORMATIVES

Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertake 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.

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 by the National Planning Policy Framework, paragraph 38.

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

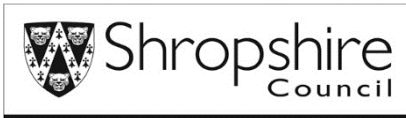
Central Government Guidance:
National Planning Policy Framework

Shropshire Council Core Strategy:
CS01 - Strategic Approach
CS05 - Countryside and Green Belt
CS06 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:
MD01 - Scale and Distribution of Development
MD02 - Sustainable Design
MD03 - Delivery of Housing Development
MD07A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment

Type and Affordability of Housing Supplementary Planning Document (SPD)

-



Committee and date

South Planning Committee

8 May 2019

Development Management Report

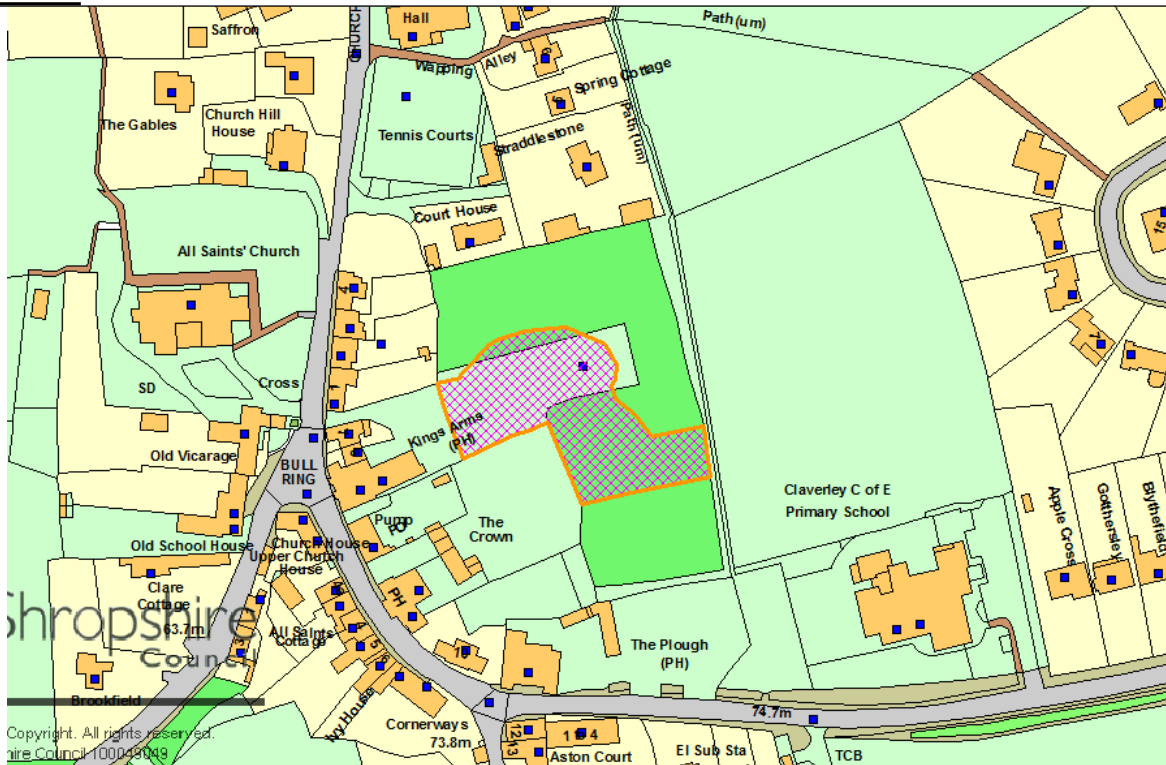
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/05149/FUL	Parish: Claverley
Proposal: Erection of 6 No. affordable dwellings and associated infrastructure	
Site Address: Proposed Residential Development Land East of the Bull Ring, Claverley Shropshire	
Applicant: Oakwood Homes (Bridgnorth) Ltd	
Case Officer: Andrew Sierakowski	email: planningdmc@shropshire.gov.uk

Grid Ref: 379382 - 293408



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Recommendation:- Permit, subject to the conditions set out in Appendix 1 and a section 106 agreement to ensure that the dwellings constructed remain available as affordable homes to meet the needs of the local community in perpetuity, including relevant provisions relating to the proposed cross-subsidy, in accordance with the requirements of the Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012).

REPORT

1.0	THE PROPOSAL
1.1	This is a full application for the erection of six affordable dwellings and associated infrastructure, on land at the rear of the former Kings Arms pub on the east side of the Bull Ring, in Claverley.
1.2	Three of the dwellings will be for sale at a discounted price and three will be for rent with a capped rent (at the Local Housing Allowance rates).
1.3	<p>The six houses would be built in two terraced blocks of three houses each, with Plots 1-3 constructed at the rear of the site adjacent to the southern boundary at its south east corner on an area located to the immediate east of the car park for adjacent Crown Inn. This terrace would comprise the following:</p> <ul style="list-style-type: none"> • Plots 1 & 3 - 3 bedroom end-terrace houses with a gross internal floor area of 83.3m²; and • Plot 2 - 2 bedroom mid-terrace house with a gross internal floor space of 67.6m².
1.4	<p>Plots 4-6 would be located immediately behind and to the east of the former Kings Arms to the immediate north of the car park for adjacent Crown Inn. This terrace would comprise the following:</p> <ul style="list-style-type: none"> • Plots 4 & 6 - 3 bedroom end-terrace houses with a gross internal floor area of 83.2m²; and • Plot 5 – 2 bedroom mid-terrace house with a gross internal floor space of 70.0m².
1.5	The terrace comprising Plots 1-3 would be constructed with the long sides of each house adjoining one another, whilst for the terrace comprising Plots 4-6 they would be constructed with the narrow sides end on to one another, with the result that Plots 1-3 would present a shorter wider terrace and Plots 4-6 a longer narrower terrace. All the houses would be constructed with a facing brick, plain tiles and vertically divided and proportioned casement windows. The middle houses in both terraces would be slightly stepped down in terms of the height of the ridge of the roof and in the terrace comprising Plots 1-3 would have a slightly recessed front

	<p>and rear elevation. In the terrace comprising Plots 4-6 the middle house would have a slightly lower eaves than the two end terraces. The doorway in the middle house in the terrace comprising Plots 1-3 and the all three houses comprising Plots 4-6, would have doors on the front elevation with small overhanging pitched roofs. The two end terraces on the terrace comprising Plots 1-3 would have their main doorways in the end elevations. The overall appearance would be two terraces of traditionally designed cottages.</p>
1.6	<p>The application states that it follows on from a development of 6 affordable cross subsidy houses that have received planning permission and been successfully completed in Alveley. The proposal that is the subject this application, it states, has been designed to mirror the application in Alveley and it is proposed that it should be covered by a similar section 106 agreement and that the cross-subsidy scheme allows the sale of up to 50% of the houses at a price of no more than 90% of open market value. The sale of the 3 houses will fund the remaining 3 houses that are rented at a capped rent to people with local connections. The rental properties will remain under the control of the applicant, Oakwood Homes Ltd and priority will be given to people with local connections using the Shropshire Homepoint register as laid out in the section 106 agreement.</p>
1.7	<p>A new internal access road would be constructed from the existing access into former Kings Arms car park, that is located between No 7 Bull Ring and the adjoining property to the immediate north at No.1 Church Terrace. This would extend past the Plots 4-6 and then loop round in a curve to the area in front of Plots 1-3 with a turning head. It is proposed to provide two car parking spaces within the curtilage of Plot Nos. 1,4 and 6 and an additional 6 residents and two visitor car parking spaces around loop in the internal access road. The layout plan has been amended in response to the initial comments from the Council's Tree officer, in order to safeguard the trees that might otherwise be affected by the originally proposed car parking arrangement. A refuse bin storage area would be provided to the immediate rear of the former Kings Arms, the position and layout of which has also been amended in response to the initial comments of SC Highways, so as to be located within 25m of the refuse bin collection point on the kerbside at the Bull Ring. LPG gas tanks would be provided in the south eastern corner of the site at the end of the internal access road to the east of Plot 1.</p>
1.8	<p>The application acknowledges that HGV access and access for emergency vehicles, particularly fire engines, may be difficult. The application states that there have as result been discussion with the Fire and Rescue Service who have confirmed that the fire regulations for the residential development on this site can be complied with by installing either a dry/wet rising main or by installing a sprinkler system in each of the proposed properties, one or other of which would be installed.</p>
1.9	<p>There is a large open area adjacent the north east side of the application site that falls within the blue line area identified by the applicant, i.e. the area of land within the applicant's control, which is marked as "Open Space". This area was proposed partly for car parking on a previous application (Application Ref. 16/05605/FUL) (see below) submitted for the site. The supporting documents in the current</p>

	application state that this area is being left undeveloped “for any alternative commercially viable or community options to be considered should they come forward”.
1.10	The application is accompanied by a Tree Constraints Plan, Arboricultural Impact Assessment, a Bat Survey Report, Phase 1 Ecology and Phase 2 Species Survey Report and a Heritage Impact Assessment. Amended layout plans and a number of additional supporting statements have been submitted by the applicant following submissions, in response to the comments of consultees.
2.0	SITE LOCATION/DESCRIPTION
2.1	The site extends to just under 0.24 hectare and comprises part of the former car park at the rear of the Kings Arms and an area of landscaped open space to the south of this, located around the boundary with the car park for the adjacent Crown Inn.
2.2	The application states that the King’s Arms public house (now closed) is a prominent building on the main street through Claverley, which is currently in the process of being converted to two houses. It has a relatively large former car parking area to the rear on its east side, which extends to approximately 0.6 ha. The access to the car park is from the Bull Ring. As well as being listed Grade II, the former Kings Arms lies within the Claverley Conservation Area. It was one of three pubs, located almost adjacent to one another on Church Street/Aston Lane, each with a separate car park to the rear that adjoin one another.
2.3	There are three immediately adjacent Listed Buildings which include Nos. 6-7 Bull Ring that form part of the group of adjoining buildings that include the former King Arms which are Grade II Listed and Nos. 2-4 Church Terrace (but not No. 1) which are also Grade II Listed. There is significant number of other nearby Listed Buildings including, most significantly, the Church of All Saints on the west side of the Bull Ring which is Grade I Listed, and the Vicarage which is adjacent to the church, which is Grade II* Listed.
2.4	The pub itself is a brick-built structure with steep tiled roofs and tall chimneys, possibly of 18th century in origin, but has been heavily remodelled internally and externally, with substantial extensions in the intervening period. To the east was a small beer garden, with the rest of the site previously covered in hardstanding to accommodate approximately 70 car parking spaces. Works are currently on-going to convert the pub into houses, and some clearance work has been undertaken on the area of car parking. There are a number of significant and mature trees on the land to the rear of the pub and within the current application site.
2.5	Prior to the submission of the Planning and Listed Building Consent applications for the pub, pre-application discussions took place with Officers of the Council and several meetings occurred with the Parish Council, and it is from these discussions that the original proposals emerged for conversion of the pub to two dwellings, the erection of 12 dwellings to the rear and the establishment of a 40 space public car park to be gifted to the Parish Council (Ref. 16/05605/FUL & 16/05606/LBC).

2.6	<p>These applications were submitted 9th December 2016, but withdrawn 31st July 2017 following advice from the Council that no effective legal link could be made on planning grounds between the application for the new-build units and the public car park. Furthermore, under the current Development Plan for Claverley, open market housing on the car park could not be supported in principle.</p>
2.7	<p>Notwithstanding this objection, the repair and conversion of the vacant Listed Building was supported, and amended Application Refs. 17/03879/FUL and 17/03880/LBC were submitted and subsequently approved on 25th October 2017 and 20th October 2017 respectively for this element of the scheme alone. These consents are currently being implemented.</p>
3.0	<p>REASON FOR THE COMMITTEE DETERMINATION OF THE APPLICATION</p>
3.1	<p>The proposed development accords with relevant development plan policies but Claverley Parish Council has objected to the application. The Chair and Vice Chair of the South Planning Committee, in consultation with the Area Planning Manager, consider that the material planning considerations raised in this case require the application to be referred to the Planning Committee for determination.</p>
4.0	<p>COMMUNITY REPRESENTATIONS</p>
4.1	<p><u>Claverley Parish Council</u>: Objects to the application. Its states that affordable housing sites, according to Shropshire Council policies, should have sustainable infrastructure such as employment opportunities and facilities such as a bus service, shops and a good road infrastructure. It considers that Claverley meets none of these requirements and consequently it objects to the development.</p>
	<p>Public Comments</p>
4.2	<p>In addition to the comments from the Parish Council there have been representations from the Claverley Preservation Society and 32 local residents (some of whom have submitted more than one representation). All but one of these offers objections. They include submissions by professional advisors on behalf of the Claverley Preservation Society including an architectural advisor (Read Buray Associates) and an independent transport consultant (Mode Transport Planning). The objections in summary make the following points:</p> <ul style="list-style-type: none"> • Do not be object to 6 new affordable dwellings if the results of the recent local Affordable Homes survey determines that they are required but determination of the application would be premature pending the undertaking of a house needs survey; • A two bedroomed property has been for sale in the centre of Claverley, since the August 2016 at a price of £154,000, which suggest that there may be little or no need for affordable housing; • The site is not “surrounded by residential development” as the application states;

- There is inadequate infrastructure, amenities and public transport to support additional housing development in Claverley;
- There are other more suitable sites which are nearer to local facilities, employment and public transport and which would not impact so significantly on the historic environment of the centre of the village, including a number of Listed Buildings and the Conservation Area;
- A large area of undeveloped land has been retained adjacent to the site. The development of six houses is likely only to be the first phase of development on the land to the rear of the former Kings Arms and the applicant is deliberately taking a fragmented approach to the development of the site to avoid all the issues raised by its complete development being considered as part of a single coherent planning application;
- The layout of the development does not make any provision for visitors and collection, delivery vehicles and other visiting traffic;
- The proposed houses are unlikely in practice to be affordable and are not likely to be occupied by local people, with local need or local connections;
- The proposal does not comply with NPPF or Development plan policy;
- The access into the site is substandard, unsafe, and not suitable for additional dwellings and would not allow adequate or safe access by refuse collection and emergency service vehicles, including fire engines, and there is high risk that such vehicles would damage the adjacent Listed Building;
- The proposed access threatens the structural integrity of the adjoining buildings;
- The development will result in the loss of mature trees which would adversely affect the character of the Conservation Area and the village;
- The development will not be financially viable at the scale proposed;
- Additional housing in Claverley will put even more pressure on the over-subscribed places at Claverley School;
- The lanes around Claverley are in very poor condition due to the increased volume of traffic as result of new housing development in recent years;
- The land at the rear of the Kings Arms should be more positively used as a communal area for the benefit of the village as a whole, for example for providing parking for the church, residents without drives and functions at the village hall;
- The proposed plan shows the "open space" edged blue indicating the land is under the same ownership. Can this be included within the redline boundary and become part of the development?
- The Bull Ring is already a congested and difficult part of the village to drive through and parking is very often at capacity during church services, village hall meetings, and during doctor's surgery and Post Office opening times. These problems will be exacerbated the on-going conversion of the Kings Arms to two dwellings and the potential construction of a further six houses;
- The full length of the access into the site from the Bull Ring has not been included in the red line boundary of the planning application; it should be;

	<ul style="list-style-type: none"> • The submitted plans show the access as being wider than it actually is and omit to show the access into No.1 Church Terrace; • The applicant does not own all the land that they claim they do; • The distance from some of proposed houses to the refuse bin storage area and collection point of up to 90m exceeds and does not comply with the standard recommended by Shropshire Council Waste Management and is very steep; • The proposed waste collection point will obstruct the public pavement fronting the former Kings Arms; • The mature Ash tree (T33) on the site, is liable to be damaged by the construction of the proposed car parking; • The (amended) layout proposed does not adequately address the comments of SC Highways; • The Claverley Parish Plan (2016-2025) in line with the Core Strategy and the SAMDev does not support further housing development in Claverley; it is not a hub or a cluster; It states that the Parish Council will (Action 23) resist further housing development except where very exceptional circumstances apply e.g. where there is community benefit; • The construction of additional houses will increase air pollution as a result of more vehicles and emissions from heating systems and which is contrary to the Council’s environmental policies; • The design of the development is not in keeping with the character and appearance of the Conservation Area and the adjacent Listed Building or the historic character of the village; • It does not include adequate access for disable people or disabled access; • The occupants of the new houses would suffer from noise and light pollution from the adjacent pubs and their car parks; • The development requires cross subsidy by the discounted sale of the three of the houses whereas the need for more affordable dwellings could be met on another site at Boundary Close, which could accommodate 8 more dwellings, where this would not be the case.
4.3	<p>The one representation (in two submissions) in support of the application, from a local resident makes the following points;</p> <ul style="list-style-type: none"> • The development will ensure a sustainable and cohesive village with a mix of housing; • Alternative sites suggested in the other representation are not sustainable; and • In response to statements in other representations advise that No.1 Church Terrace is not a Listed Building.
	<p>Technical Consultees</p>
4.4	<p><u>Shropshire Council - Affordable Homes</u>: Comment that the applicant seeks to justify the need for 3 90% of the open market value (OMV) dwellings to cross subsidise 3 “affordable” (defined by policy) homes, to be let at 80% of the open market rent (OMR) or the local housing allowance (LHA) limit - whichever is lower. They confirm that this has been demonstrated, based on the owner/developer retaining</p>

	the freehold of the affordable rent homes.
4.5	They also confirm that there is currently more local housing need in Claverley than this application would satisfy.
4.6	<u>Shropshire Council - Highways</u> : Initially advised in relation to the original submitted plan that the proposed bin collection point was to be located 36.3m from the carriageway and reached via a steep upgradient on the existing driveway and that it would need to be demonstrated that the bin collection point is acceptable to the Shropshire Council Waste Management Team. If this is not possible that the refuse bins and recycling boxes from the six dwellings could be temporarily stored awaiting collection on bin day bearing in mind those from the two properties from the pub conversion and surrounding properties.
4.7	They also commented that from the potential householders viewpoint, the length of driveway is the trip which they will have to make, weekly, to put out refuse and recycling bins for emptying. The recommended maximum distance is 25m and that a smooth, level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility splay of the access, if collection is made from the roadside.
4.8	They also commented that some of the internal parking spaces may not be viable and that adding landscaping to the surrounds of the spaces on the inside of the bend will remove any visibility sightlines which are already constrained by the design. Some of the spaces proposed development would involve multiple manoeuvres to access them which is not desirable.
4.9	They additionally advised that site shows an LPG compound and that the refuelling tanker driver must have line of sight of the tanks from his vehicle and that the tanker must be able to get within 25m of the tanks from the service road.
4.10	In response to the amended layout plan the Highways officer has offered no objection. They comment that although the access to the highway is sub-standard in not conforming to specifications which allow an emerging driver a view of pedestrians approaching on the footway, when taken in context with neighbouring accesses, to which it is similar, it is as it would previously have been used.
4.11	The Highways officer therefore has no objection to the development subject to the inclusion of highways related informatives in relation to mud on the road, drainage works on, within or abutting the highway.
4.12	<u>Shropshire Council - SUDS</u> : Have no comment other than requesting the inclusion of a condition requiring submission of the drainage details and informatives on the design and construction of the surface water drainage system.
4.13	<u>Shropshire Council - Regulatory Services</u> : Have no comment.
4.14	<u>Shropshire Council: Ecology</u> : Have no objection subject to the inclusion of conditions relating to provision of bat boxes and bird boxes and the submission of a

	lighting plan and informatives relating to nesting birds, wildlife protection and landscaping.
4.15	<u>Shropshire Council - Trees:</u> Initially commented in relation to the original layout that the loss of the existing trees bar one holly within the red line of the site boundary would be an unacceptable impact on the amenity value of the site and the Conservation Area. They recommended adjustment to the layout, so as to allow the retention of the multi stem sycamore and the yew tree on the site boundary to the west of proposed Plot 3, by a realignment of the parking to Plot 1 from ‘side by side’ to ‘in line’ (similar to Plot 3) and shifting the whole block of three dwellings slightly to the east, thereby affording sufficient space to the west of Plot 3 to allow retention of the sycamore and the yew.
4.16	They also commented that the original layout included provision of a new 2.5m wide timber gate opposite the front Plot 6 that would conflict with an adjacent multi-stemmed sycamore. The advised that the proximity of the new gates to the tree could necessitate its removal or cause it such damage as to make its safe, healthy retention unviable. This tree is considered to have sufficiently high current and potential future amenity value as to warrant adjusting the position of the proposed new gate, so to allow its viable retention.
4.17	In relation to the amended layout plan SC Trees have now advised that it addresses the concerns set out in their initial comments. The amended layout allows for the retention of the mature sycamore and a mature yew that were identified for removal in previous layouts. They also advise the other trees within the ‘red line’ and around its boundaries are unsuitable for retention in light of residential development and that they do not object to their removal, given appropriate replacement planting and suitable protection of the retained trees within the site and other trees within the ‘blue line’ boundary.
4.18	The submitted Arboricultural Impact Assessment they advise gives adequate recommendations for measures to be taken to protect retained trees within and adjacent to the site during any approved development. They therefore have no objections subject to the inclusion of conditions relating to submission and implementation of an updated tree protection scheme and tree planning scheme, taking into account the amended layout.
4.19	<u>Shropshire Council - Conservation:</u> Advise that the Kings Arms is a Grade II listed building within the Claverley Conservation Area, and that the site lies to the rear of the former pub on land that was used as car parking for the business. The site is bounded by development on two sides, modern development exists to the north of the site which falls within the Conservation Area and the historic street fronting properties lie to the west of the site and are also within the Conservation Area. The land to the east is made up of open fields that separate this side of the village from modern development to the east of the school and to the south lies the rear plots of other historic properties fronting the Bull Ring and High Street, with the rear of The Plough public house and its car park directly further south. The view of the site from the Bull Ring and the main vista from the Conservation Area is through the narrow access between buildings fronting Bull Ring. This vista will provide a glimpsed view

	of the development to the rear of the former pub, however Conservation officer advises that they consider that the development proposed will have limited impact upon the main street scene views within the centre of the Conservation Area.
4.20	They additionally comment that the site currently forms part of the curtilage and immediate setting of the Grade II listed former pub. However, it is a fairly functional space rather than an open green vista and does not contribute great significance to the listed building in its current form. Historic mapping shows that further built development existed to the rear of the pub, although less than is currently proposed. The historic mapping appears to show an L-shaped range of outbuildings across the middle of the site leaving a paddock or open field to the east. This historic form does not necessarily dictate what type of development would now be appropriate on the site but does show that the openness and field views from the rear of the listed building were not always in place.
4.21	They comment that the use of smaller adjoined units in a cottage style is acceptable in this location and the use of greenspace and appropriate planting and landscaping schemes could provide a visual enhancement to the site. The design of the proposed units takes influence from vernacular details using mainly vertically proportioned windows with brick headers and elements such as dormer windows, pitched roof porches and chimneys.
4.22	There are therefore no fundamental conservation objections raised in principle to the proposed development, but the Conservation Officer recommends conditions relating to landscaping, external materials and joinery.
4.23	<u>SC Archaeology:</u> Advise that the site lies in the core of the historic settlement of Claverley which has its origins in the medieval period at least, and with possible occupation dating back to the Roman period and that ground works undertaken for the proposed new residential development may offer the opportunity to recover additional archaeological evidence relating to the developmental history of this part of Claverley. The site can therefore be considered to have moderate archaeological potential.
4.24	They further advise, in the light of the above, and in relation to Paragraph 199 of the NPPF (Revised 2018) and SAMDev Policy MD13 that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development.
4.25	<u>Shropshire Council - Rights of Way:</u> No Comment.
4.26	<u>Shropshire and Fire and Rescue:</u> Have advised that the access must be fully compliant with the Building Regulations, which set out the requirements for the widths and distances of the access. Swept path analysis must also be compliant the requirements of the regulations. Any deviations would require proposals of compensatory features to be made.
4.27	The requirement for accessing the site is not, they advise, solely for the purpose of

	supplying water for firefighting operations. The distance requirements also consider the time and physiological effects on firefighters having to carry the equipment from the fire appliance to the incident and also the need for the incident commander to make a rapid assessment of the incident.
4.28	They advise that it may be possible to overcome the access issues with the installation of sprinkler systems, which would be considered at the Building Regulations Consultation stage.
5.0	THE MAIN ISSUES
5.1	<ul style="list-style-type: none"> • Principle of the Development • Scale and Design and Loss of Tree • Access and Parking • Other Issues
6.0	OFFICER APPRAISAL
6.1	Principle of the Development
6.1.1	In relation to the principle of the development, the key issue in the determination of this application concerns the location of site for an affordable housing development and whether this is acceptable in the centre of Claverley in terms of compliance with relevant development plan and national planning policy.
6.1.2	The main relevant policy is set out in the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and includes Policies, CS1, CS3, CS5 and CS11 and the Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015), Policy MD7a.
6.1.3	Core Strategy Policies CS1 and CS3 set out the settlement hierarchy for the county, with new development focussed in Shrewsbury, the main Market Towns, and other identified Key Centres. Claverley is not included under Policy CS3 as one of the identified Market Towns and Other Key Centres, and is not a Community Hub or part of a Community Cluster under Policy CS4. Instead lies within the area identified on the Council's Adopted Policies Map as open countryside and within the Green Belt. Policy CS5, is therefore the main relevant policy.
6.1.4	In support of Core Strategy Policies CS1 and CS3, the adopted Site Allocations and Management of Development Plan (SAMDev) (December 2015), Policy MD1 and the supporting Schedule MD1.1: Settlement Policy Framework list the identified Market Towns and Key Centres in the county, but these do not as a result include Claverley and it does not have defined settlement boundary. The SAMDev does however in its supporting text make clear that Claverley is not included in the Green Belt and that in consequence Core Strategy Policy CS5 and the relevant requirements of SAMDev Policy MD7a will apply.
6.1.5	Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside, although this allows for

	<p>some development on appropriate sites which maintain and enhance countryside vitality and character, which will be permitted where its improves the sustainability of rural communities by bringing local economic and community benefits, and particularly where it relates to affordable housing/accommodation to meet a local need in accordance with national planning policies and Policy CS11.</p>
6.1.6	<p>Policy CS11 on the Type and Affordability of Housing aims to ensure future housing need is met and the creation of mixed, balanced and inclusive communities, stating that an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. This will be achieved by ensuring adequate provision of affordable housing in accordance with the targets set through the Core Strategy, including permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, the Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements. This is subject to scale, design, tenure being suitable and to ensuring prioritisation for local people and arrangements to ensure affordability in perpetuity.</p>
6.1.7	<p>Policy CS11 in turn is supported by a more detailed policy statement in relation to the way affordable housing will be delivered in Shropshire in the Council’s Type and Affordability of Housing Supplementary Planning Document (SPD) adopted in September 2012, Chapter 5 of which deal with Rural Exception Sites for local people.</p>
6.1.8	<p>This makes clear, in paragraph 5.53, in relation to ensuring affordability in perpetuity, that where affordable housing is granted planning permission as an exception to normal planning policies, it must, as far as is possible, remain within the affordable housing stock in perpetuity. This is usually achieved through a planning condition where the development consists solely of properties managed by a Registered Provider, and through a section 106 legal agreement in all other cases. Paragraph 5.54 further states that to ensure affordability in perpetuity (defined as the lifetime of the building), wherever possible, restrictions will be put on the Right to Buy/Right to Acquire for rented homes managed by Registered Providers, and on the ability of purchasers to “staircase” beyond 80% ownership for Shared Ownership. Similar restrictions will also be applied to private affordable housing for rent and shared ownership or equity share purchase schemes together with mechanisms to ensure that their values remain affordable over time.</p>
6.1.9	<p>In addition, the affordable value of housing for outright sale on exception sites is to be expressed within a section 106 agreement as a simple fixed percentage of the prevailing open market value. This percentage of the open market value will apply in perpetuity and is to be used to determine the sale value applicable at subsequent changes in ownership. The section 106 legal agreement will also place a restriction on the title of the property, to the effect that the property cannot change hands without the written consent of Shropshire Council. Therefore, the Land Registry will effectively enforce this provision, as it will not be possible to register a new ownership with the Land Registry without the appropriate written consent from Shropshire Council.</p>

6.1.10	The National Planning Policy Framework (NPPF) which was updated in July 2018 and again in February 2019, makes clear in paragraph 77 that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. It states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
6.1.11	Furthermore paragraph 78 makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
6.1.12	In this policy context, development of the site falls to be considered as development in the open countryside, but not in the Green Belt, and as such can also be treated as a Rural Exception Site for affordable housing under Policies CS5 and CS11. As a site in the very centre of Claverley, there is no doubt at all that it would be development that would meet the test of improving the sustainability of rural communities by bringing local economic and community benefits, and it is an affordable housing development that it can be considered to meet a local need in accordance with national planning policies and Policy CS11.
6.1.13	The key test in Policy CS11 is that it is an exception scheme for local needs affordable housing on a site in a recognisable named settlement, and which subject to suitable scale and design (considered below), can through the granting of permission subject to s.106 agreement, ensure the tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
6.1.14	<p>Objectors in this case, as set out above, have questioned whether there is a justified need but this has been confirmed by the Housing Enabling Officer, as has the viability of the scheme as a cross subsidy housing scheme. Objectors have also stated that they consider the development to be contrary to Action 23 of the Claverley Parish Plan which states that:</p> <p><i>“Action 23: The Parish Council will resist further housing development except where exceptional circumstances apply (e.g. for community benefit)”.</i></p>
6.1.15	Whilst the SPD, in paragraph 5.9 states that the Council will take account of any duly prepared and adopted Parish, Town and Neighbourhood Plan, this has to be done in a way that is consistent with the statutory development plan, i.e. the adopted Core Strategy and the SAMDev. The latter as set out above clearly makes provision for the development of Rural Exception Sites for affordable housing in the line with the NPPF. Given that local need in this case has been confirmed by the Housing Enabling Officer, determination of the application in accordance with the development plan in terms of the principle of the development can be justified in the context of Action 23 of the Parish Plan as an exceptional circumstance providing community benefit.
6.1.16	Consequently, the development of the site can be considered to meet the criteria extremely well in terms of its location adjacent to the existing village centre in

	Claverley and in terms of access to community facilities and can therefore considered to be compliant with Core Strategy Policies CS5 or CS11 as a Rural Exception Site.
6.1.17	Consideration of the scale and design criteria for Rural Exception Sites, is set out below under the heading of Scale Design and Loss of Trees.
6.1.18	Some objectors have, in addition, raised the issue of whether the proposed dwellings would be affordable and whether they would be occupied by local people, with local need or local connections. However, in order to comply with Core Strategy Policy CS11 and the Affordability of Housing Supplementary Planning Document SPD, applicants are required to enter into a section 106 legal agreement to ensure affordability in perpetuity and that the houses to be built will meet local need and be offered to people with a strong local connection. Accordingly, in compliance with the requirements of the Policy and the SPD, the grant of planning permission would be subject to a section 106 agreement to achieve this and the applicant has indicated they are willing to enter into such an agreement.
6.1.19	In overall terms therefore, the Principle of the Development in this case meets the criteria for the granting planning permission for the development of the site, as a Rural Exception Site. There is confirmed local need, and a section 106 agreement, which the applicant has indicated that they are willing to enter into to, will ensure that the dwellings constructed remain available as affordable homes to meet the needs of the local community in perpetuity. The site can also be considered to be acceptable in terms of its location adjacent to the village centre and its close proximity to local community facilities. The development accordingly meets the requirements as a Rural Exception Site set out in Core Strategy Policies CS1, CS3, CS5 and CS11, the SAMDev Policy MD7a and the NPPF.
6.2	Scale, Design and Loss of Trees
6.2.1	The scale and design of the development has been commented on by number of objectors, and this is a relevant consideration in relation to the criteria set out in the Type and Affordability of Housing SPD, as well Core Strategy Policies CS6, CS17 and SAMDEV Policies MD2 and MD13 and Chapter 16 of the NPPF (2019) on Conserving and Enhancing the Historic Environment. These seek to ensure the new development contributes to and respects locally distinctive or valued character and existing amenity value by responding appropriately to the form and layout of existing development; reflects locally characteristic architectural design and details, such as building materials, form, the colour and texture of detailing, and takes account of its scale and proportion; and protects, conserves and enhances the historic context and character of heritage assets, their significance and setting.
6.2.2	In addition, because of the proximity of the number of adjacent and nearby Listed Buildings and the location of the site in the Claverley Conservation Area, the Council needs to be mindful of the obligations under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
6.2.3	The application in this case stresses the importance attached to the design and

	<p>layout of the development and that the proposed orientation, scale and appearance of the proposals has been consciously evolved in a form to minimise the potential impact on the adjacent Listed Buildings, the Conservation Area and their respective settings, specifically respecting the constraints inherent in the historic architectural form and fabric of Claverley’s village centre.</p>
6.2.4	<p>The Conservation officer has as set out above commented in some detail on the application and has advised that there are no fundamental conservation objections raised in principle to the proposed development, subject to the inclusion of conditions on the grant of planning permission relating to landscaping, external materials and joinery. In addition, the Trees officer had expressed concern about the loss of several mature trees on the site and the impacts of the loss of these, including the impact in the context of the setting of the site in the Conservation Area. In response to these concerns the applicants has amended the layout, to ensure the protection and retention of the key trees on the site, and the Trees officer has in consequence confirmed that the proposed layout is now acceptable.</p>
6.2.5	<p>There is therefore no fundamental reason to consider the development as proposed in not acceptable in terms of the criteria set out in the Type and Affordability of Housing SPD, Core Strategy Policies CS6 and CS17 and SAMDEV Policies MD2, MD12 and MD13 and the NPPF (2019) or that it is not acceptable in terms of the obligations under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.</p>
6.3	Access and Parking
6.3.1	<p>The most significant issue arising from this application concerns the access and parking arrangement. There are two main aspects to this; that the access would be through the narrow entrance between No. 7 Bull Ring and No. 1 Church Terrace that was previously used to serve the former King Arms car park and the constraints this presents; and that the design of layout of the internal access road may make access to some of the car parking spaces quite difficult.</p>
6.3.2	<p>Relevant Policy includes Core Strategy Policy CS6 and SAMDev Policy MD2 which require all development to be safe and accessible to all.</p>
6.3.3	<p>As set out above the issue of the access has been raised as a significant consideration by objectors and in particular the constraints presented by the narrowness of the access between No. 7 Bull Ring and No. 1 Church Terrace. The Claverley Preservation Society has sought its own expert consultant advice on this, from Reade Bury Associates and Mode Transport Planning, who advise that the access is too narrow, at 2.90m at its narrowest point between the walls of the two adjoining properties, to allow a Fire Tender or Refuse Collection Vehicle (RCV) to access the site and that even if they could, the manoeuvrable space required at the Bull Ring may make this very difficult, with on-street parking meaning that vehicles are frequently parked close to both sides of the entrance. In practice the access may be even narrower because the blue line boundary submitted with the application shows a small standoff from the wall with No. 1 Church Terrace.</p>

6.3.4	<p>The applicant has responded to this comment by stating that refuse will be collected from the kerbside outside No.7 Bull Ring and therefore there is no need for RCV access to the site. Similarly, they have stated that their own consultation with the Fire and Rescue Service has confirmed that the installation of a hydrant or spinklers would be an acceptable alternative. Specific comment has been sought from the Fire and Rescue Service, who as set out above have advised that it may be possible to overcome the access issues with the installation of sprinkler systems, which would be considered at the Building Regulations Consultation stage.</p>
6.3.5	<p>The Highways officer has, as set out above stated that whilst the access is not up to the standard that would normally be required in a new development, it will not be dissimilar to other existing access in the centre of Claverley, and on that basis they have no objection. It is the case that refuse bins would have to be put out for collection on the pavement to the south of the access, but again this is not dissimilar to the existing situation along most of Church Street and Aston Lane. It is the case that they could obscure visibility either side of the access and obstruct pedestrian access along the pavement, but again this is no different from the position in relation to other properties along Church Street and Aston Lane. Obstruction of the visibility of traffic at Bull Ring is not likely to be significant, because the existing on-street parking, already results in visibility being obscured whether recycling bins have been put out or not. Some obstruction of the pavement is likely but this is common place, and whilst not ideal there is no readily obvious solution and the concerns raised by objectors are understandable. Whilst not entirely satisfactory it is not considered this of itself to be so substantial an issue in its own right to warrant the refusal of consent.</p>
6.3.6	<p>In relation to parking it should be noted that the intention is to provide 12 residents parking spaces and two visitor parking spaces. The internal access layout has been amended in the course of the application in response to the comments from consultees, and although the arrangement of car parking spaces has been revised, the accessibility of some of these spaces is still potentially quite awkward, either because of their narrowness means there is little room for manoeuvrability as vehicles turn and in and out of the spaces or, in the case of the spaces located with the loop of the access road, because they would be sited on the inside of the bed requiring either very acute turning or several manoeuvres to get into and out of them. This does not appear to be so much an issue of trying to cram too much into the site (i.e. over development), but rather is due to the shape and dimensions of the site, and the seeming desire of the applicant to leave a substantial undeveloped area of open space. A better layout could potentially be achieved if more space was made available within the red line boundary to accommodate the access road and car parking. That said the issue does not impact on the public highway, and whilst it is not ideal, SC highways have raised no objections, and it cannot be considered to be so inadequate as to make the scheme unacceptable or unacceptable in terms of compliance with Core Strategy Policy CS6 or SAMDev Policy MD2.</p>
6.4	Other Issues

<p>6.4.1</p>	<p><u>There are Other Better Alternative Sites:</u> Several of the objections, including the consultant report from Reade Bury Associates submitted in behalf of the Claverley Preservation Society, suggest that there are better alternative sites or locations for the development, including most notably at Boundary Close off Aston Lane, approximately 300m south east of the current application site. It may be the case that there are potentially other locations available, but this is only a relevant issue in the event that the principle of the development in the location proposed is unacceptable. In this instance this is not the case, with the application site being situated almost as close into centre of Claverley as it is possible to be on what is essentially a gap site within the existing built up area, making it in principle, an ideal location. The land at Boundary Close, is further out of the centre, albeit still reasonably well related to existing facilities in Claverley, but the underdeveloped area to the south of the Close and the south of Aston Lane falls with the Green Belt, and as such planning permission could only be granted in the event that very special circumstances could be demonstrated, which is unlikely when there is alternative site available that is not in the Green Belt. As such the case argued by the objectors does not provide the basis for the refusal of the current application.</p>
<p>6.4.2</p>	<p><u>A Large Area of Undeveloped Land has Been Retained Adjacent to the Site:</u> The primary concern of objectors in relation to this point is that this area of land is being retained for further future development by the applicant, and that the applicant is attempting to secure planning permission in a phased way for development of the whole site. This may or may not be the case, but regardless of whether it is, the application has to be determined on its own merits and its determination does not prejudice the determination of any future application for the remaining open area. The only other comment I would make about this, is as I have set out above, that the shortcomings in the proposed layout could potentially be addressed by including some of this additional land into the current application site to improve the proposed access and car parking arrangements. Be that as it may, this a matter for the applicant and if they are not willing to consider this, the application must be determined on the basis of the submitted plans. As I have set out above, whilst the proposed layout is not ideal, I do not consider it to be so sub-standard or its shortcomings so serious, as to render the scheme unacceptable and consequently warrant refusal.</p>
<p>6.4.3</p>	<p><u>That the Proposed Access Threatens the Structural Integrity of the Adjoining Listed Buildings:</u> This comment appears to have been primarily in relation to the potential impact on No. 1 Church Terrace, This in fact is not a Listed Building, and the owner in this case has responded to this comment, expressing his support for the development, and correctly pointing out that any issue of the structural integrity will be civil matter between himself and the developer.</p>
<p>6.4.4</p>	<p><u>That there is Inadequate Infrastructure, Amenities and Public Transport to Support Additional Housing Development in Claverley:</u> Whilst some local residents may feel that this is the case, Claverley compared with many other villages is comparatively well served by the facilities it offers. These include the church, shop two pubs, a village hall, school, medical centre, tennis club and number of other clubs and societies. The development of additional new housing if, anything is likely to</p>

	support the growth and development of these facilities and services.
6.4.5	<u>That the lanes around Claverley are in very poor condition due to the increased volume of traffic as result of new housing development in recent years:</u> There is no reason to think or evidence to suggest that the road network around Claverely is in significantly worse condition than anywhere else in the County, but in any event, the addition of six new houses is not likely to have a significant impact on the condition of the local road network.
6.4.6	<u>That alternative use of the land at the rear of the Kings Arms would be more appropriate:</u> It may be that there are alternative uses that would be appropriate on the site, but the Council has to determine the application that has been submitted to it. The proposal presented is not in principle unacceptable and there are currently no alternative proposals being forward for the development of the site. As detailed above, a large open area has been retained, which could potentially be developed for an alternative use or for community benefit. The issue has also been raised as to whether this area could be brought into the red line boundary. The applicant is under no obligation to do this and as there is no development proposed on this part of the wider area at the rear of the King’s Arms there is no need for them to do so.
6.4.7	<u>Congestion in the centre of the village:</u> As set out above there is a concern that the centre of village can be congested from traffic. The development of the housing proposed is unlikely to add significantly to this. It includes parking for residents and visitors and the fact that the new houses would be located so close into the centre of the village, is if anything is likely to lead to less traffic than if they were located elsewhere, as the occupants will not need to drive and park their cars to access local facilities.
6.4.8	<u>That the applicant does not own all the land they claim:</u> In response to this comment the applicant has acknowledged that the landownership boundary shown on the original submitted plan was incorrect and has submitted a corrected plan to show this. This does not alter the scheme, although as set out above, this may indicate that the width of the access between No.7 Bull Ring and 1 Church Terrace is narrower than the 2.90m distance between the walls of the two properties. A related comment that the red line does not include the full length of the access to the Bull Ring, is correct but the additional length outside the red line is within the applicant’s control and there is no prejudice to the application or its consideration by it not being included.
6.4.9	<u>The distance from some of proposed houses to the refuse bin storage area and collection point would be up to 90m and the bin collection point will obstruct pedestrians:</u> It is the case that the refuse bin storage area would be a considerable distance from Plots 1 to 3 and so would the bin collection point on the kerb in front of No.7 Bull Ring. The applicant has however indicated that bin storage would also be provided at each house. There has also been a concern that the access would be very steep for moving wheelie bins. This is not however, so significant that it would present an impediment to the ability of residents to wheel their bins to the bin collection point, having a gradient of 1 in 20.

6.4.10	<p>Notwithstanding that that may be the case, I do not consider that the location of the bin storage area and collection point have not been particularly well addressed. These are however difficult issues because their provision and siting are constrained by the lack of anywhere obvious to store bins where this would be close to both the houses and to the street frontage. The absence of a usable access for a Refuse Collection Vehicle (RCV) does not help this situation, but equally for an RCV to make a detour into the site to collect bins would potentially be more disruptive to local residents, than collection at the Bull Ring. The additional issue of bins obstructing visibility and pedestrian access has been raised, and whilst this may seem to present a valid concern, the location of the collection point on the street frontage in the Bull Ring, is in practice (as I have set out above) unlikely to adversely affect visibility any more than the existing on street parking. It probably will however make access along the pavement for pedestrians more difficult and it may be an inconvenience and annoyance to the occupier of No. 7 Bull Ring. These are not however, as I have set out above, sufficiently significant concerns to warrant refusal of the application when the same could potentially be said in relation to any bin put out for collection in the centre of Claverley.</p>
6.4.11	<p><u>The construction of additional houses will increase air pollution as a result of more vehicles and emissions:</u> Almost all new development will result in some additional emissions, but in this case the ongoing increase is not likely to be significant given the small scale of the development and central location of the site in the village, which is in fact likely to result in less car journeys to access local facilities than a more remote site might do.</p>
6.4.12	<p><u>That the development does not include adequate access for disable people or disabled access:</u> In response to this the applicant has advised that the site survey shows a rise of 500mm over a distance of 10m, which equates to a slope of 1:20 which is considered to be acceptable for disabled access in accordance with the Building Regulations Part M.</p>
6.4.13	<p><u>That the occupants of the new houses would suffer from noise and light pollution from the adjacent pubs and their car parks:</u> The amenity of the future occupants of the houses is a valid material consideration, but in this instance there is no particular reason to consider that the future occupants would suffer any more significantly undue amenity impacts than any other adjacent or nearby residential occupiers, as a result of the proximity of the two pubs and their respective car parks to the south of the site.</p>
7.0	CONCLUSION
7.1	<p>That the proposed erection of six affordable dwellings and associated infrastructure, on land at the rear of the former Kings Arms pub on the east side of the Bull Ring, in Claverley.is acceptable in terms of the principle of the development, its scale and design and impact on trees, access and parking and other issues and it can therefore be considered to be compliant with Shropshire Core Strategy Policies, CS1, CS3, CS5, CS6, CS11, CS17 and the SAMDev Policies MD2, MD7a. MD12 and MD13 and the NPPF .</p>

7.2	To ensure compliance with the Type and Affordability of Housing Supplementary Planning Document (SPD), consent should be granted not only subject to the conditions listed in Appendix 1 at the end of this report but also to a section 106 agreement as set out in paragraph 6.1.19 above.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
8.1.1	There are two principal risks associated with this recommendation as follows: <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party.
8.1.2	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.
8.1.3	Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.
8.2	Human Rights
8.2.1	Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.
8.2.2	First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
8.2.3	This legislation has been taken into account in arriving at the above recommendation.
8.3	Equalities
8.3.1	The concern of planning law is to regulate the use of land in the interests of the

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

9.0 Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.2 National Planning Policy

- National Planning Policy Framework (2019)

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

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS1: Strategic Approach;
 - Policy CS3: The Market Towns and Other Key Centres
 - Policy CS5: Countryside and Green Belt;
 - Policy CS6: Sustainable Design and Development Principles;
 - Policy CS11: Type and Affordability of Housing
 - Policy CS17: Environmental Networks; and
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD2: Sustainable Design;
 - Policy MD7a: Managing Housing Development in the Countryside
 - Policy MD12: Natural Environment;
 - Policy MD13: Historic Environment.

10.4 Supplementary Planning Documents

- Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012)

10.5 Relevant Planning History:

- BR/87/0638 - Display of Three Lanterns Two Spotlights Two Floodlights And One Pictorial Sign at the Kings Arms Public House High Street Claverley - Approved 24/09/1987;
- BR/APP/FUL/04/0208 - Erection of twenty houses and alteration to access on Land Rear of The Plough Crown and The Kings Arms, Claverley - Withdrawn 07/05/2014;
- BR/APP/FUL/05/0171 - Erection of twenty houses, construction of access road and alteration to access on Land Rear of The Plough, The Crown and The Kings Arms, Claverley - Refused 24/05/2015;
- 16/05606/LBC - Conversion of Grade II listed former public house to 2 no dwellings, demolition of outbuilding and erection of 12 new dwellings with associated parking at the The Kings Arms Inn, Bull Ring, Claverley - Withdrawn 31/07/2017;
- 16/05605/FUL - Conversion of former public house to 2no dwellings; demolition of outbuildings and erection of 12 new dwellings with associated parking; formation of 40 car space parking area (for community use), The Kings Arms Inn, Bull Ring, Claverley – Withdrawn 31/07/2017;
- 18/05076/TCA - Fell 1no Sycamore (T35), a Holly (T32), an Ash (T33) and a Hawthorn (T34) within Claverley Conservation Area (Amended 07/12/2018) at the Kings Arms Inn, Bull Ring, Claverley - No Objection 14/12/2018;
- 17/03879/FUL - Conversion of former public house to two dwellings; formation of parking areas; following demolition of outbuildings (revised scheme) at the Kings Arms Inn Bull Ring Claverley - Approved 25/10/2017;
- 17/03880/LBC - Works to Listed Building to facilitate the conversion of former public house to two dwellings, with parking off existing access following demolition of outbuildings (revised scheme) at the Kings Arms Inn Bull Ring Claverley - Approved 25/10/2017

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement Ecology Report Arboricultural Impact Assessment Heritage Impact Assessment
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Tina Woodward
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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a Construction Traffic Management Plan, including all HGV routing & unloading proposals; and
- an appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

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

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.

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

Reason: The site is known to hold archaeological interest.

6. Prior to commencement of development a scheme shall be submitted to the written satisfaction of the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall be based upon an Arboricultural Impact Assessment and include an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations, or its current version. All pre-commencement tree works and tree protection measures detailed in the approved AMS and TPP shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

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

7. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

8. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. The approved landscaping tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of three years from the

date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

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

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

11. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Claverley Conservation area and the setting of the adjacent heritage assets.

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

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species; and
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or

sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's 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.

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

15. The development hereby permitted shall not be brought into use/occupied until the internal access road has been completed and the car parking for each dwelling completed before that dwelling is occupied, as shown on the approved Drawing No. KA/PL/400D Site Development Plan (Revised Scheme) Rev D dated 22nd January 2019.

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

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

16. No construction works shall take place before 8.00 am on weekdays and 9.00 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

17. The car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development.

INFORMATIVES

General

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.

Highways

Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway**This planning permission does not authorise the applicant to:**

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

Drainage

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

The development lies within a groundwater Source Protection Zone 3. Surface water run-off should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed for a 1 in 100 year + 35% for climate change.

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

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

Residential Dwellings per hectare Change allowance % of impermeable area:

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

4. Consent is required from the service provider to connect into the foul main sewer.

Bats and Trees

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

The required tree works should be undertaken as soon as possible. It is recommended that the trees are felled in short sections.

In event that the tree works have not commenced before the active season for bats (March-November), an update inspection will be required immediately before felling.

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

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.

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

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).

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

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.

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Committee and date
 South Planning Committee
 8 May 2019

Development Management Report

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

Summary of Application

Application Number: 19/00185/COU	Parish: Burford
Proposal: Change of use from office and storage to private gym facility	
Site Address: Unit 7 The Aspire Centre Burford Tenbury Wells Shropshire	
Applicant: Mr P J Spalding & Miss D J Piggott	
Case Officer: Elizabeth Davies	email: planningdmsw@shropshire.gov.uk

Grid Ref: 359133 - 268844



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

REPORT

1.0 THE PROPOSAL

1.1 This is a full application for the change of use of Unit 7 at The Aspire Centre Burford from office/storage to a private gym. No external alterations to the building are proposed.

2.0 SITE LOCATION/DESCRIPTION

2.1 The Aspire Centre is located adjacent to the A456 in an industrial area of Burford. Unit 7 is one of 8 similar workshop units all formed within one single building. The unit has a floor space of approximately 50 sqm. Planning permission for the erection of an engineering centre of excellence and 8 workshops was granted planning permission under reference 99/09892 in June 1999. The use class was not specified on the application or in conditions but workshops would normally be considered Class B1 or B2.

2.2 Access to these units is off the A456 which leads to a parking area to the front of the front of the building. The building itself is orientated at 90 degrees to the road, with the front entrances to the units facing the parking area rather than over looking the highway.

2.3 To the north and east of the site lie large modern industrial units currently occupied by Kerrys Food Ingredients. To the west is a open field which seperates these units from a group of residential properties. To the south lies a futher group of reisndtial properties.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application requires consideration by Planning Committee because Shropshire Council are the landowners and the proposed development is not in line with the Councils statutory functions.

4.0 Community Representations

4.1 Consultee Comments - full details of the responses can be viewed online.

4.1.1 Burford Parish Council – No comments received at the time of writing this report

4.2 Public Comments

4.2.1 A notice at the site has advertised the application for 21 days and no representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

Principle of development

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS8 'Facilities, Services and Infrastructure Provision' of the Shropshire Core Strategy aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities; whilst Policy CS13 'Economic Development, Enterprise and Employment' supports the development and diversification of the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth.
- 6.1.2 Core Strategy Policy CS6 'Sustainable Design and Development Principles', requires that development should protect, restore, conserve and enhance the built environment and be appropriate in scale, density, pattern and design taking into consideration the local context and character.
- 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 CS16 deals with Tourism, Culture and Leisure. In order for the Council to deliver high quality sustainable tourism and cultural and leisure development they must enhance the vital role that these sectors play with regard to the local economy and local communities
- 6.1.5 The eight units at the Aspire Centre were originally constructed to provide workshops for employment purposes and over the years these workshops have been converted into various non-industrial uses which currently include a Vets, a Care Agency, a Taxi firm, a Flooring business, and a Heating/Electrical Contractor.
- 6.1.6 There are no alterations proposed to the building, to enable the change of use proposed. The main issue in terms of the use is the loss of a workshop space for business or industrial purposes. In general, planning policies safeguard employment land and premises, although this area is not allocated within the local plan as protected employment land. To a small degree the proposed use continues to generate some employment and the proposed gym would provide some benefit in the provision of a facility for workers in the surrounding industrial units. Given the small size of the unit, it is judged that the loss of employment here would be minor in nature and have negligible impact on the supply of employment premises within the locality.
- 6.1.7 The unit is located on the edge of Burford with access onto the A456, along which pedestrian pathways lead into the main residential area of Burford and further into Tenbury Wells. There are 2 parking spaces allocated for the unit within the car park at the front of the site. It is noted however that the car park does not have bays formally marked out on the ground.

- 6.1.8 In terms of the number of customers utilising the facility at any one time, the applicant has confirmed that the main intention of the gym is to provide individual personal training sessions, which would consist of no more than 2 people (the applicant and client). The applicant considers that due to the size of the unit there would be no more than 3 people per session allowed within the unit, to enable adequate supervision.
- 6.1.9 It is considered that due to the small size of the building which restricts the number of customers whom could use the gym at any one time, the proposal is unlikely to generate significant increase to traffic movements. It is considered that the existing access and parking facilities are satisfactory for this level of use, and would not result in adverse highway safety issues as there are two allocated parking spaces specifically allocated the unit and are located opposite the unit. There are additional spaces which are allocated to the other businesses but could be potentially be used with their permission during sessions that occur outside of their business hours. (e.g. 6am-8am or 6pm - 8pm)
- 6.1.10 There is also space in front of the building off the road for an additional car. This is not an allocated car parking space, and therefore has not been included as part of application but it could provide extra space if needed and would not infringe on the other units.
- 6.1.11 The applicant has indicated that the proposed opening hours would be 06.00 am to 08.00pm Monday to Friday and 08.00am to 12:00pm on a Saturday only and would consist of 1-1 training sessions in the morning from 6am-10am and the evening from 4pm to 8pm. The hours in between would be for administration tasks, meetings and consultations with potential clients. The Council owns and lets the unit so ultimately there is control over its occupation, In terms of planning polices there is no sound reason for refusing planning permission. A condition is recommended to prevent the change of use of the premises to any other use in Class D2 which could be inappropriate in an industrial area.

7.0 CONCLUSION

- 7.1 In conclusion, it is considered that the proposal accords with the above polices. There is no additional footprint created or alterations to the buildings structure, and therefore it is recommended that permission for the change of use of the building from office/storage to a private gym (D2) is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy:

CS06 Sustainable Design and Development Principles

CS08 Facilities, Services and Infrastructure

CS13 Economic Development, Enterprise and Employment

CS16 Tourism, Culture and Leisure

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan

MD02 Sustainable Design

RELEVANT PLANNING HISTORY:

SS/1/6360/P/ Erection of a screen wall 2.5m high around effluent plant extension of existing boiler house wall to level with wall either side. PERCON 11th January 1996

SS/1/3485/P/ Erection of an infill factory unit. PERCON 27th May 1993

SS/1989/578/P/ Temporary installation of two toilet blocks and adjoining lobby. PERCON 31st August 1989

SS/1977/369/P/ Erection of an extension to existing factory. PERCON 23rd September 1977

SS/1976/68/P/ Erection of a steel portal frame building (30' x 24') to form covered area for loading and unloading goods. PERCON 12th March 1976

SS/1974/875/P/ Erection of electrical sub-station. PERCON 23rd August 1974

SS/1/04/15692/F Change of use of warehouse for storage to hire of private hire vehicles and installation of LPG bulk tank. PERCON 3rd June 2004

SS/1/00/11118/AD Erection of a freestanding sign. PERCON 29th June 2000

SS/1/99/009892/F Demolition of existing buildings, erection of engineering centre of excellence and 8 workshops, and associated site works. PERCON 7th June 1999

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLBUW3TD08V00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Richard Huffer
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 premises shall be used for a gym only and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area.

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

3. The change of use hereby permitted opening hours shall be as follows:

Monday to Friday	06:00 - 20:00
Saturday	08:00 - 12:00
Sunday	Closed
Bank Holidays	Closed

Reason: To protect the amenities of occupiers of nearby properties from potential noise and disturbance.

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

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

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS08 Facilities, Services and Infrastructure

CS13 Economic Development, Enterprise and Employment
CS16 Tourism, Culture and Leisure

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD02 Sustainable Design

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Committee and date

South Planning Committee

8 May 2019

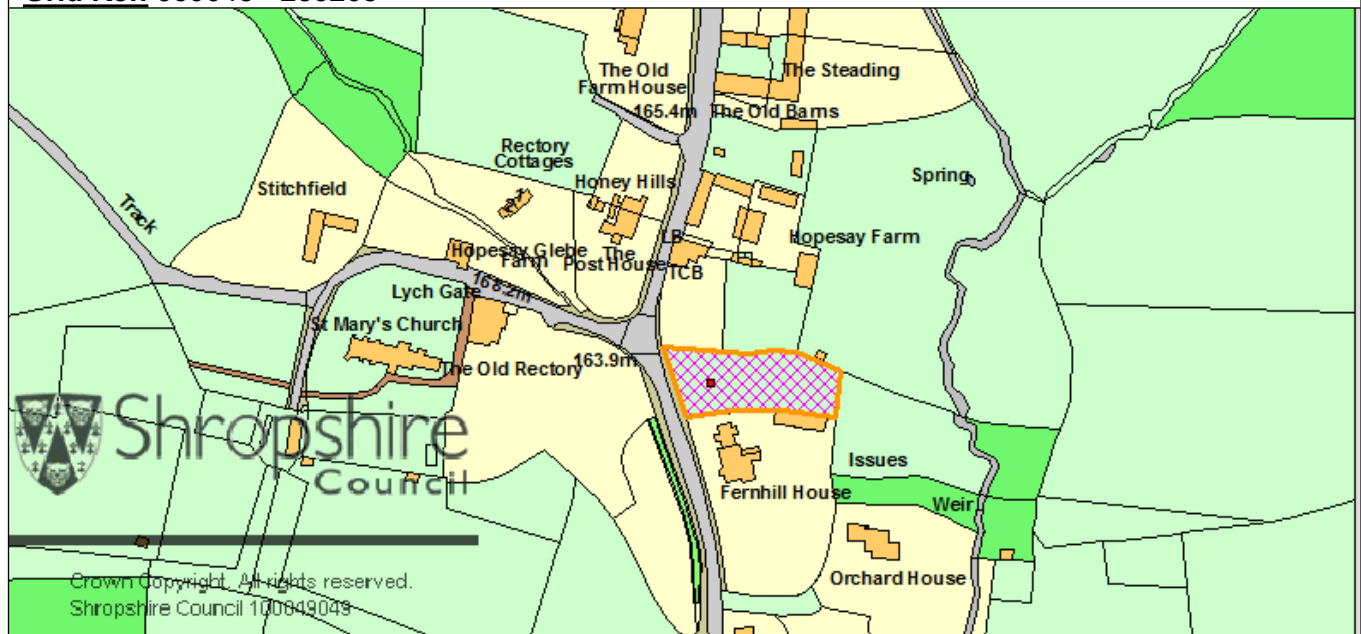
Development Management Report

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

Summary of Application

Application Number: 19/00218/FUL	Parish:	Hopesay
Proposal: Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description)		
Site Address: Proposed Dwelling To The South Of Hopesay Shropshire		
Applicant: Mr And Mrs Moulder		
Case Officer: Heather Owen	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 339048 - 283268



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the following:

Erection of a detached dwelling.
Installation of a foul treatment plant.
Siting of a static caravan for a temporary period (during construction).

1.2 Members may recall that an application for a 4 bed detached dwelling (16/01597/FUL) on this same site was refused by South Planning Committee at the meeting of 06th December 2016 for the following reason:

Due to the siting, scale and design of the proposed dwelling, in particular the loss of the significant gap in the street scene and impact on views from the Shropshire Way; and the overbearing mass of the red brick built form, the proposed development would not make a positive contribution to the local character and distinctiveness and would result in an adverse change, detracting from the character and appearance of the village, Conservation Area and its AONB setting. The proposal is therefore contrary to development plan policies CS6, CS17, MD2, MD12 and MD13 and paragraphs 58, 60, 64, 115 and 131 of the NPPF.

1.3 This application proposes an alternative design seeking planning permission to construct a 3 bedroomed single storey dwelling, constructed in stone with timber weatherboarding. The scheme proposes an L shaped footprint, the section proposed to run alongside the northern boundary is design with slate tiled pitched roof. The section along the east has been designed with a mono-pitched roof which would be clad with zinc metal seam sheeting.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site forms a roughly rectangular parcel of land on the east side of the village of Hopesay. The land sits between Hopesay Farm to the north and Fernhill House and Fernhill Cottage to the south. Hopesay Farmhouse is itself a grade II listed building.

2.2 The site is currently a field, open to views of the wider landscape to the west. Existing vehicular access is situated along the north end of the low stone boundary wall which separates the site from the main road running through the village. A public bench abuts this boundary wall siting on the grass verge and facing the mature hedge boundary of the property to the east known as The Old Rectory.

2.3 The site is within the Hopesay Conservation Area, the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the catchment of the River Clun which is a designated Special Area of Conservation (SAC).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have provided views contrary to Officers recommendation. This has been discussed with the Local Member and Chair and Vice Chair of the South Planning Committee, whom requested that the application be determined by planning committee due to the sensitive location of the site and the material planning considerations raised warrant committee determination as the previous application was.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Hopesay Parish Council: Hopesay Parish Council conditionally supports this application, upon the following conditions:

- That the specific design and plans for the dwelling (as in the current application) are not changed or altered;
- That the height of the dwelling is not increased;
- That the dwelling cannot be extended;
- That nothing is to be planted erected or placed (e.g. along the front boundary) to obscure the sight line to Hopesay Hill behind; and
- This support is conditional and specific to the local family applicant named in the application.

4.1.2 Shropshire Hills AONB: Standing advice, Local Planning Authorities have a statutory duty to take into account the purposes of the AONB designation and planning policy to protect the AONB and the statutory AONB Management Plan. This standard response does not indicate either an objection or no objection to the current application.

4.1.3 SUDs: No objection, recommend condition to secure the detail of the surface and foul water drainage.

4.1.4 SC Archaeology (Historic Environment): No objection, recommend condition requiring a programme of archaeological in accordance with a Written Scheme of Investigation (WSI).

4.1.5 SC Conservation and Design (Historic Environment): No objection, recommend conditions regarding Materials (include sample panel stonework), Roof Details, Rooflights, Joinery and Finishes.

4.1.6 SC Regulatory Services: General advice regarding private water supplies.

4.1.7 SC Highways: No Objection – recommend conditions and informatives regarding formation of the new access and closing up of the existing.

4.1.8 SC Affordable Housing: No affordable housing obligation is required with this proposal.

4.1.9 SC Ecology: Final Comments: 23rd April 2019 – No objection:

- Habitat Regulation Assessment completed – conclusion – the proposal would not have a likely significant effect on the River Clun SAC, and an Appropriate Assessment is not required.
- Recommend conditions regarding provision of bat and bird boxes and external lighting.

SC Ecology: 12th March 2019 – Note - These comments supersede those of 08th February 2019, which were submitted in error:

- Additional clarification sought regarding foul drainage, due to development being within the River Clun Catchment.
- Recommend conditions regarding provision of bat and bird boxes and external lighting.

4.2 Public Comments

4.2.1 9 letters of objection received:

Visual Impact, AONB and Conservation Area

- There is an overriding need to protect the features of Hopesay which made it special and justify its designated as a Conservation Village. One of the features is the field subject to this application.
- Few Hamlets still have an open field in the centre, not only can nature thrive, but it also offers residents and visitors a fine view of the surrounding.
- This land should not be given up lightly when so much of the countryside is being urbanised.
- Loss of view from main lane through village over a National Trust Area, Hopesay Hill and AONB.
- The dwelling would be a focal point and have an undue visual impact on those coming into or passing through the village.
- Whilst new building has a place in every community, do not believe the very centre of this hamlet is the correct place to override the legislative intentions of the Planning (Listed buildings and Conservation Areas) Act 1990.
- From Hopesay Hill itself the building will be a significant feature on the village below, particularly from light spill from extensive areas of glazing, in the bedroom wing especially.
- The development would harm the Shropshire Way which passes the site.
- The dwelling would be a visual intrusion on the character of the village,
- Only one new building has been permitted in the conservation in 150 years and that cannot be seen from the road, this results in a much loved village scene, unaltered since the 19th century.
- Residents and Visitors alike comment on what a lovely, timeless place Hopesay is and it is for the benefit of visitor both now and future generations to come as much as for residents that the centre of Hopesay remains unchanged.
- The site is neglected with old tyres being dumped, but there is potential to be improved as a field.
- The dwelling would be of particular detriment to Fern Hill House and the Rectory and visually impact on listed properties and the traditional street

scene of Hopesay.

- Alternative sites should be considered and the core character of Hopesay preserved at all costs.
- Building here will materially alter the landscape and streetscape.
- The development would harm the AONB and is not in accordance with SAMDev policy MD12 and NPPF paragraphs 170 and 172.
- Any development would have a detrimental impact on the whole village.
- This is a case of classic 'infill' between two historic properties that would have a detrimental visual and environmental impact on the village as a whole.
- Although single storey the dwelling fills the width of the site and removes the gap in the frontage which allows views towards Hopesay Hill.

Design

- The scheme is not sympathetic to the character of the settlement which consists of well dispersed, large character properties within extensive grounds.
- The site is small and the dwelling will cover a significant area within it.
- The design is not in harmony with existing character properties within the village.
- The site is too restricted for the scale of development proposed.
- The mono-pitched roof would appear contrived and the overall dwelling be cramped and akin to the existing farmyard to the north of the site.
- The application does not comply with SAMDev Policy MD13 or NPPF paragraphs 192 and 196.
- If the Council was inclined to change their minds would comment that the current design is an improvement on those submitted in the past but would suggest more details are required on proposed stonework and nature of hardstanding.

Housing Policy

- The housing settlement target has been met and the SAMDev policy is therefore irrelevant.
- As previously stated during the 2016 application, new housing in the Parish of Hopesay was debated in the Hopesay Parish Plan. Pages 12 and 13 of the Parish plan, 2008 states 'New housing ... A third of respondents thought that currently redundant buildings should be converted to accommodation, ahead of creating new-build properties.'
- The scheme will not result in an affordable home needed by the community or is it freeing up any smaller property to meet local need.
- The property is not affordable self-build, or an essential rural workers dwelling, it would add to the stock of large private dwellings.

Planning History

- This is the fifth application on this plot of land, all previous applications have been dismissed, the arguments made in 1993 remain the same.
- Approval of this application would set a precedent as noted by the Planning Inspector in the previous appeal on this site.
- The last proposed was unanimously rejected by the Planning Committee in December 2016.

- The applicants already have planning permission to build on their own land, this would be a second property new build.
- The applicant doesn't own the land and the proposal might not go ahead.
- Refusal is the only reasonable and consistent answer.
- The planning considerations already raised by previous objectors and in the previous refusal of the planning authority remain unchanged.

Highway Safety

- The narrow lanes to Hopesay should not be further burdened at a time when traffic is increasing due to increases in on-line shopping.

Biodiversity

- Well-managed the site would make a great contribution to botanical diversity, Shropshire has nearly lost all of its wild-flower meadows in recent years. For 25 years we have managed 2 fields near the site with sheep grazing and removal of weeds and as a result have over 130 native flowering plants, orchids, moschatel and ragged robin. Over 3,000 native deciduous trees have also recently been plan adjacent our fields which will greatly add to the attraction of Hopesay Village in the surrounding Shropshire Hills.

Procedure

- The Councils Planning website appeared to be down from 11th – 17th February so anyone wishing to view documents would not have had the full opportunity to do so before closure of public consultation period.
- The separate objections submitted by individual residents living at the same property should be uploaded to the system separately not together as they have been. This would be in line with the separate letters from supporters whom also reside at another property and who have also written in separately and have been uploaded separated and so will be given more weight.

Other matters

- This is a prime site in the centre of Hopesay, a village focus, its frontage is where the millennium seat is and where the WWI soldier and memorials were recently placed.
- The field should be considered a community asset.
- In the absence of any legal agreement there is no reason by the owners should not sell on the site with any consent who might then put forward a much less desirable design, even along the lines of the one rejected by the Council before. It is naive to think giving this permission would not make such an alternative application like this more likely to be accepted.

8 letters of support received:

- As a local resident of 30 years and knowing the family for the same length of time support this application.
- Disagree with objectors comments that the application is not providing a need in the community and its value to the community is low – The house is for a long standing, local family who are having to move.
- The planned building is clearly designed for the site providing modern

- accommodation using a mix of traditional materials, whilst minimising its effect on other properties and retaining the view of Hopesay Hill from the road.
- The plans are sympathetic with the village and fit nicely with no impact on the view of Hopesay Hill.
 - These plans have been carefully thought out and should cause minimum of intrusion in the area and should not obscure scenery.
 - Support to be given to keep a family in the village.
 - The site is current unused and unkempt, it does not enhance the look of the village.
 - Whether or not technically ranking as infill the plot is the last in the conservation area suitable for new build, unless buildings start being permitted within the curtilage of existing properties.
 - Over the last 30 years extensions, rebuilds, repairs and alterations have substantially altered the external appearance of properties within Hopesay.
 - No two buildings in this conservation area exhibit the same style, character or design, most common building materials feature.
 - Further to comments made on the previous application I am pleased to now give full support this is new application. The design statement and plans address the objections raised in the determination of the original application and satisfy the concerns raised in my original comments relating to design and size of the building.
 - The layout of the single storey buildings fits discreetly with in the plot overcoming objections raised previously above sightlines to Hopesay Hill.
 - In my previous 2016 comment I referred to the 2007 Plan , the 2015 Housing Needs Survey and the criteria laid down in the SAMDev Plan all of which I was closely involved with as Chairman of Hopesay Parish Council at the time. These support infill development, small scale sites that meet local demand and satisfy design standards in keeping with the local surroundings. The proposal meets all of these requirements and fits with the aspiration to deliver 15 additional dwellings in the period to 2026.
 - Shropshire Council will have up to date records on developments since 2007, according to my count we have two new dwellings built or under construction since 2007 one in Aston on Clun the other a self-build affordable home in Hopesay. Two other properties in Aston on Clun are replacements of existing buildings and an outline planning consent for a development in Broome has not so far been followed up.
 - Whilst it is not a material fact as far as planning regulations are concerned you may wish to consider that the applicant was born and brought up in Hopesay in a family with long local connections. The application to build a new dwelling fits well with the intent of the Parish Plan to provide for local demand.
 - As a regular visitor to the Parish of Hopesay in full support of the current application.
 - This application has clearly attempted to amend the discrepancy that occurred in the previous 2016 application.
 - With the new build plan being only a single story building, a sustainable site could be achieved for both human and wildlife consumption whilst not altering the focal point of the area. This adaptation may help tie Shropshire's conserved natural scenery such as the hilltop views to its inherent cultural

- qualities in the area for which many tourists like myself admire when visiting.
- The current designs will help uphold and build upon the management plans vision and stature for the Area of outstanding natural beauty (AONB) set within the Hopesay Parish Plan 2008 (page 8).
- Shropshire is renowned for its richness of heritage and prosperity to which can be owed to the people within the community, whereupon local families are the foundation.

5.0 THE MAIN ISSUES

Principle of development
 Siting of caravan
 Affordable Housing Contribution
 Siting, scale and design of structure
 Visual impact and landscaping
 Shropshire Hills AONB
 Conservation Area
 Archaeology
 Biodiversity
 Highways Safety
 Residential Amenity
 Procedural matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Since the consideration of the last application at this site the National Planning Policy Framework (NPPF) has been revised, the latest version published in February 2019. One of the key objectives of the revised NPPF however continues to be to concentrate new residential development in locations which promote, economic, social and environmental sustainability. For Shropshire, its local development plan in the form of the Core Strategy and Site Allocations and Management of Development (SAMDev) Plan, has changed little since the consideration of the 2016 application. Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 still seek to steer new housing to sites within market towns, other 'key centres' and certain named villages which make up the 'Community hubs and Clusters' as identified in policy CS3, CS4 and set out in details in the Councils SAMDev Plan policy MD1. Sporadic development in open countryside (i.e. on sites outside of named settlements) is unacceptable without special justification.
- 6.1.2 Hopsey is part of a Community Cluster, with Aston on Clun, Broome, Horderley, Beambridge, Long Meadow End, Rowton and Round Oak. The SAMDev settlement Policy S7.2(i) sets the housing guidelines for the cluster seeking to deliver around 15 additional dwellings in the plan period (up to 2026) in the form of infilling and conversions on small scale sites. The policy also states that housing development in the form of single plot developments would be preferred to enable a slow, cumulative growth. Its inclusion as a component of a Community Cluster under

SAMDev Policies MD1 and S7 implies that the location in general *is* sustainable, and this carries significant weight.

- 6.1.3 As Officers noted in the previous 2016 committee report the existing development in Hopesay tends to be focused along the unclassified C road which runs through the village and along the spur road which leads to the village church. The pattern of the built development is made relatively informal and dispersed due to the presence of open fields and mature landscaped areas which intermix between the built structures. The Planning Inspector in the appeal decision issued in 1993 (SS/1/2911/O/) and which has been referenced by third party objectors confirms that the site is centrally located. The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infilling, the question of whether or not specific schemes constitute infilling is a matter for judgment in each case, although the explanatory text accompanying Core Strategy Policy CS4 confirms that windfall development *adjoining* the settlements is unacceptable. The dictionary defines 'infill' as 'the act of filling or closing gaps'.
- 6.1.4 In this case built development sits to both the north and south sides of the application site. In Paragraph 4 of the appeal decision the Inspectorate considers that the proposal couldn't be regarded as infilling due to the substantial gap between the adjacent dwellings and the character of the surroundings. In terms of the weight which this previous appeal decision carries in considering this current planning application it should be noted that the decision made on 24th March 1993 is now 26 years old when Hopesay was considered countryside in planning policy terms and where no new open market housing was accepted by the adopted development plan at that time. The scheme now before the Council has to be considered in the current planning policy context set out above and has significantly changed compared to the plan context in 1993, particularly with the adoption of the SAMDev plan which identifies Hopesay as part of a community cluster which accepts a degree of housing development on appropriate sites. This change of policy context has to be given significant weight in assessing both whether the scheme represents infill and on the character and appearance of the settlement, Conservation Area and Shropshire Hills AONB (a matter which is considered later in this report).
- 6.1.5 In terms as to whether the application site could be classed as infill, as noted above there is built development to the north and south sides of the plot and the site is clearly within the central part of the settlement. It is noted that the inspector considers there is a substantial gap between adjacent dwellings, and this would mean the site isn't not infill, however it also has to be noted that existing development in the settlement is sited in generous plots, with gaps between, which the Inspectorate also identifies. It is therefore considered given the above that the application site would represent infilling for the purposes of adopted planning policy. This was a conclusion which members accepted when the application was considered in 2016.
- 6.1.6 Third party objectors have raised comment that the parish has met its housing guideline of 15 dwellings and thus no more dwellings should be permitted. The Council's most recently published Five Year Housing Land Supply Statement,

March 2019 includes analysis of completions and commitments and sites with planning permission as at 31st March 2018. In the case of the community cluster within which Hopesay sits there have been 3 completions and 17 sites with planning permission or prior approval (as at 31st March 2018). It is noted that the number of completions since the previously published Five year Housing Land Supply Statement (Published August 2016) has remained static at 3, although the number of permissions has increased by 10 (from 7). It is also noted that the current permissions are focused within Aston and Clun and Broome, with currently no planning permissions being granted for Hopesay.

6.1.7 SAMDev policy at MD3.2 states that the settlement housing guideline is a significant policy consideration and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:

- i) The increase in number of dwellings relative to the guideline; and*
- ii) The likelihood of delivery of the outstanding permissions; and*
- iii) The benefits arising from the development; and*
- iv) The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v) The presumption in favour of sustainable development.*

6.1.8 On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole which if all delivered would increase the number of dwellings above the cluster guideline. At present there is no evidence to suggest that each of the outstanding planning permission would not be delivered, however it is noted that the number of completions within this cluster has remained static at 3 and thus there is still a significant under delivery of housing for this cluster.

6.1.9 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five year supply and provide some local benefits in terms of construction work and retaining residents in the local area who in turn will spend money within the local area, albeit it is acknowledge that for single dwelling developments these benefits are small. Hopesay has been identified as an appropriate location for residential development and the Local Planning Authority is satisfied that this designated has been made taking into account the long term sustainability of the settlement and county as a whole. Currently no dwellings have been granted planning permission within Hopsey itself and thus there is currently no cumulative impact of new housing developments within this settlement. As such it is judged that the erection of one dwelling would not cause any demonstrable harm to the character of the settlement in terms of delivering excessive housing to the settlement which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy. When the above is weight in the planning balance it is considered it would be difficult to justify refusal of this application on housing numbers.

6.2 Siting of Caravan

- 6.2.1 The scheme also includes the temporary stationing of a static caravan for occupation by the applicant during the construction works on site. The applicant's agent advises that the applicant's current home was owned by a family member whom has passed away and the property now needs to be sold. The applicants share of the funds from the sale will be used to help pay for the new build and the static caravan would be used if the applicants cannot find any suitable alternative accommodation nearby during the construction. Due to the sensitive location of the site within the AONB and Conservation area it is considered a condition restricting the siting for a temporary period of 2 years (or completion of the dwelling, whichever is the sooner) would be sufficient.
- 6.2.2 As this part of the scheme was added after the original consultation of the application, the Parish Council along with the direct neighbours and third party responders to the application have all been re-consulted on this amendment. No further comments have been received from neighbours or third parties. The Parish Council are considering this amendment at their next meeting to be held 01st May 2019 and thus the views of the Parish Council on this aspect are not yet known at the time of writing this report, however they should be available to members by the committee date.

6.3 Affordable Housing Contribution

- 6.3.1 Core Strategy Policy CS11 and an accompanying Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a payment in lieu of on-site provision where a small number of dwellings is proposed). However the revised version of the NPPF published in February 2019, incorporated the 2014 Written Ministerial Statement which announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds, the stated intention being to boost housing supply by removing "disproportionate burdens on small-scale developers". Paragraph 63 of the NPPF states, that affordable housing provision should not be sought in connection with small-scale residential developments (i.e. those comprising fewer than ten dwellings, or five or fewer in 'designated rural areas'), without any reference to developer burden or other motives. This application is for 1 dwelling and given the above circumstances it must be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.
- 6.3.2 Part of the Parish Council's conditional support to this application is that the dwelling should be for the applicant only whom it is understood are a local family. The National Planning Practice Guide which supports the NPPF states that planning obligations such as Section 106 agreements should only be used where it is not possible to address unacceptable impacts through condition. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise and reasonable. In this case given the application site is within an identified community cluster where open market housing is accepted on suitable sites by adopted housing policy and not within a countryside location where applications for new dwellings are more strictly controlled, it is considered it would not be reasonable to restrict the occupation of

the dwelling to the applicant and their family only, given there is no planning harm created within a cluster settlement by allowing the occupation of the dwelling to be unrestricted.

6.4 Siting, scale and design of structure

6.4.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place.

6.4.2 Paragraph 127 of the NPPF goes into further detail regarding the development of planning policies and decisions seeking to ensure that developments:

'a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

6.4.3 Core Strategy policy CS6, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 expands further on this and expects development to contribute to and respect locally distinctive or valued character and existing amenity value by:

'i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement;
ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;
iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.'

6.4.4 The design and scale of the dwelling subject to this application when compared to the previously refused scheme has been amended in a number of ways, in

particular through the reduction in scale from a two storey dwelling to single storey, resulting in an alternative layout to the dwelling on the plot and changes to materials.

- 6.4.5 In terms scale, the overall floor space of living accommodation this application proposes is approximately 159.2sqm, whereas the previous 2016 application proposed approximately 175.76sqm of living accommodation. It is however noted that the reduction in height to single storey level does mean this accommodation is all provided at ground floor and thus the overall footprint of the dwelling increases compared to the previously refused two storey dwelling. However it is judged that the plot is of sufficient size to accommodate the larger footprint whilst continuing to provide generous amenity space, further the single storey design prevents the larger footprint from resulting in a cramped or overdeveloped site.
- 6.4.6 Turning to the design detailing the scheme proposes the use of stone and timber boarding for the external walling as opposed to red facing brick which was proposed under the 2016 application. Paragraph 4.11 of the Hopesay Conservation Area statement (revised March 2008) states that brick and render alongside timber framing and limestone are identified as the main materials found in the settlement. The use of stone, timber and slate materials are as such judged to be a reflective of the local vernacular and the precise details of these materials in terms of joining width, pointing, mortar mix, and finishes to the timber boarding can be secured via planning condition.
- 6.4.7 There is also an element of contemporary design and material introduced into this scheme through the use of standing seam metal for the mono-pitched roof section and the use of expansive glazed sections. To a degree the design of the proposal mimics the conversion of traditional outbuildings, where openings are often treated with glazed sections and the overall detailing of the scheme is to be kept relatively simple in form.
- 6.4.8 Paragraph 4.4 of the Conservation Area Statement (last revised in March 2008) identifies a main feature of the area to be the large Victorian dwellings in their own grounds. To an extent the single storey dwelling proposed here with its simple form and design would appear subsidiary to these larger dwellings rather than compete for dominance with the village.
- 6.4.9 Overall in terms of design and scale it is considered that this scheme is an improvement on the previous scheme, and has sought to address the concerns and reasons for refusal of the previous scheme. The proposal is reflective the character of the settlement and would contribute towards preserving and enhancing the local distinctiveness of the area.
- 6.4.10 The Parish Council within their comments request that conditions should be included to prevent any changes to the height of the dwelling or extensions to the property. The Town and Country (General Permitted Development) Order already restricts the amount of work which can be carried out under permitted development rights for locations within the Conservation Area and AONB, alterations to a roof of a dwelling house for example requires planning permission as would side extensions. Bearing in mind the above and the 6 tests set out in the NPPF for the

use of the conditions it is not considered it would be necessary or reasonable to remove all permitted development rights for this proposed dwelling.

6.5 Visual impact and landscaping – Shropshire Hills AONB and Conservation Area

- 6.5.1 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It also requires that the LPA should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Part 16 of the NPPF and Core Strategy CS17 and SAMDev MD13 supports the above.
- 6.5.2 Part 15 of the NPPF at paragraph 172 states that great weight on conserving landscape and scenic beauty Areas of Outstanding Natural Beauty. Policies CS17 and MD12 support these national policies seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.5.3 The application site sits to the south of Hopesay Farm, the house of which is a grade II listed building. To the west around 85m from the site lies the Grade I listed St Marys Church. Fernhill House which lies to the south of the site whilst not a formal designated as a listed building is judged to be of local heritage interest and thus is classed as a non-designated heritage asset. The site is within the Hopesay Conservation Area, designated on 16th December 1993.
- 6.5.4 Paragraph 4.7 of the Hopesay Conservation Area Statement, notes that the dwellings set in large grounds combined with other open spaces in the settlement are an important part of the character of Hopesay and should be retained. It is accepted that the site forms one of these open gaps which contributes to the character of the village and the impact of development of such a gap needs to be carefully considered.
- 6.5.5 In terms of visibility, the location of the application site is such that any development here would be visible from public view points along the highway when travelling immediately past this part of the settlement. The rear of the site is more exposed to wider views from the surrounding landscape, with public rights of way running through the landscape on the east and along which, at points, looks down onto the settlement. As a result of this the rear of the proposed dwelling would be visible, however the rear of existing properties along this side of the village are currently also visible and the proposed property would be viewed as part of this group rather than as an isolated feature.
- 6.5.6 The Councils Conservation Team have assessed the application and the Heritage Impact Assessment which has been submitted as part of the supporting documents. The Conservation Officer is content that the proposal would not be of detriment to the principal special architectural character or historic interest of the setting of the listed buildings or the non-designated heritage asset of Fernhill House to the south of the site.

6.5.7 It is acknowledged that the development of the plot would result in the loss of an existing vista and this in turn would alter the character of this part of the settlement and Conservation Area. The proposed single storey design and use of a non-pitched roof along the section running across the site would assist to create a low lying development which would allow for the retention of some views across the site to the natural landscape beyond. It is considered that the harm caused by the loss of the vista to the character of the settlement and in turn to the character and appearance of the Conservation Area and Shropshire Hills AONB is less than substantial when considering the proposal against the current policy context on development in this settlement. Overall, the character and appearance of the wider conservation area would be preserved.

6.6 Archaeology

6.6.1 The proposed development is located within the historic core of Hopesay. The village is understood to have early medieval origins and the proposed development site has remained undeveloped since at least the 19th century, as indicated on historic editions of the Ordnance Survey maps. It is therefore possible that archaeological features and deposits relating to the medieval and later development of the settlement may survive on the proposed development site. As a consequence, it is considered to have moderate archaeological potential.

6.6.2 In view of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development.

6.7 Biodiversity

6.7.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

6.7.2 The application is supported by the Phase 1 Environment Appraisal prepared by Greenscape Environmental Ltd. The Councils Ecologist has considered the survey and is content that Ecological interests can be safeguarded by conditions and informatives.

6.7.3 The site lies within the catchment of the River Clun which is a designated Special Area of Conservation, due to the population of Freshwater Pearl Mussel. As such and at the request of the Council the applicant's agent has submitted further detail of the foul drainage proposals. It is proposed to use a package treatment plant which would discharge into a drainage field, rather than a watercourse. Percolation tests have been submitted to indicate that the ground is suitable for soakaways. The Councils Ecologist has carried out a Habitat Regulations Assessment (HRA),

which is attached as Appendix 2 of this committee report, In summary the report concludes that the proposed development is unlikely to lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

6.8 Highway safety

- 6.8.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.8.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.8.3 The site is located on a 'C' class road, whilst there is an existing field gate to the north end of the site frontage, like the previously refused application the proposal seeks to close this opening and form a new access to the south end of the boundary. The Council Highways Team previously considered that there would be a degree of benefit to highway safety in relocating the access to the proposed location as it would move the access away from the bend in the road and the road junction leading to St Marys Church, thus negating potential conflicts at the current location. The block plan submitted indicates visibility splays for the proposed access, and the Councils Highways team raise no objection to the formation of the new access. A condition requiring the precise detail of the access construction, to include materials (which would ensure the initial access surface is bonded rather than loose gravel) and confirmation of final visibility splays can be secured via condition.
- 6.8.4 As before the Councils Highways Officer notes that the existing public bench would no longer be in the most suitable place should the proposed access be built and this is a concern which has also been raised by objectors. This has been taken up with the applicants agent who confirm agreement to relocation of the bench along the verge, this a matter which is secured by condition which also requires the blocking up of the existing field access prior to the occupation of the dwelling should permission be gained.
- 6.8.5 The block plan submitted with this application indicates that there would be a vehicle access running along the side of the proposed property, the applicants agent has confirmed the main purpose of this will be to allow access for maintenance of the foul treatment plant. It has also been confirmed that the field to the rear would be within the ownership of the occupier of the proposed dwelling, rather than part of a farm and thus it is unlikely there would be frequent agricultural vehicular usage of the access to cause undue harm.
- 6.8.6 The comments of the Councils highways team regarding the type of walking surface on the drive and the design of the garage are noted, however they are not

judged to be significant material planning matters as they would not harm the safe use of the highway.

6.9 Residential Amenity

6.9.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of neighbouring residents. In this case the closest neighbouring properties are to the south of the site.

6.9.2 Hopesay Farm to the north of the site is around 35m from the application site, a small field would separate the sites, the boundaries of which are defined by mature tree and hedging. Opposite the site, the grounds of The Old Rectory run up to the western boundary of the road. The land on this side is set at a higher ground level and the existing mature landscaping screens these grounds from the application site. The dwelling itself is set some 60m away. At such distances and given the nature of the land levels and mature landscaped boundaries between the application site and these neighbouring properties, it is considered that the proposed scheme would not unduly harm expected levels of residential amenity.

6.9.3 It is almost inevitable that building works anywhere will cause some disturbance, however this is a temporary feature and given the scheme is for one dwelling only, it is not considered that the scheme would result in a significant level of disturbance to justify refusal of this planning application.

6.10 Drainage

6.10.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The Councils drainage officer is satisfied that the development can be adequately drained without causing or exacerbating flooding in the site or vicinity.

6.11 Procedural Matters

6.11.1 The concerns raised regarding the way in which the Council have scanned third party letters to the electronic planning file is noted. However the way in which these representations have been uploaded to the electronic file has no bearing on how these representations are treated. Representations from a single property are treated as one representation regardless as to whether they were received together, separately or have been scanned together or separately. All responses received are recorded and given due consideration above.

6.11.2 Concern has been raised by one objector that the planning pages of the councils website were unavailable from 11th – 17th February 2019 preventing the documents from being viewed during the public consultation period. The initial neighbour letter consultation period for this application ran from 21st January until 11th February 2019, and the site notice extended this consultation period until 22nd February 2019. The Councils current procedure is that comments are accepted after these consultation deadlines and up until a decision is made. It is therefore considered

that this short period of possible outage of the web pages would not of prevented full consideration of the application documents by interested third parties.

7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopesay which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1.

7.2 It is judged that the plot represents infill development and it is considered the addition of one dwelling within this settlement would not cause demonstrable harm to the settlement character in terms of number of new housing within the area. The design and scale of the proposed dwelling is considered to of responded to the site constraints and is reflective of materials and detailing within the existing settlement whilst still introducing its own individual character to enhance the distinctiveness of Hopesay.

7.3 The loss of the vista is acknowledged however given the current policy context it is considered the harm created on the character and appearance of the settlement and the Conservation area is less than substantial. The character and natural beauty of this part of the Shropshire Hills AONB would be preserved and the proposal can be carried out without harm to highway safety, or the biodiversity of the area and the impact on residential amenity would be negligible.

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

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy:

CS1 Strategic Approach
CS4 Community Hubs and Community Clusters
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing

CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev) Plan:

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Managing Housing Development
MD12 Natural Environment
MD13 Historic Environment

Settlement Policies
S7 Craven Arms

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

Other Documents
Hopesay Conservation Area Statement.

RELEVANT PLANNING HISTORY:

16/01597/FUL Erection of single dwelling and formation of vehicular access REFUSE 8th December 2016

SS/1/2911/O/ Erection of a dwelling and formation of a vehicular and pedestrian access. REFUSE 15th October 1992

Appeal

SS/1/2911/O/ Erection of a dwelling and formation of a vehicular and pedestrian access. DISMISSED 24th March 1993

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PLDZIETDJ5100>

List of Background Papers Design and Access Statement Heritage Statement Biodiversity Survey and Report
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Members Cllr. Lee Chapman Cllr David Evans
Appendices APPENDIX 1 – Conditions APPENDIX 2 – Habitat Impact Assessment – River Clun

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.

3. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Phase 1 Environmental Survey conducted by Greenscape Environmental Ltd (February 2016).

Reason: To protect features of recognised nature conservation importance.

4. The static caravan hereby approved shall be removed from the site and the land reinstated to its previous condition within 24 months of the date of this planning permission or following substantial completion of the dwelling (whichever is the sooner).

Reason: To retain planning control and in the interests of the visual amenity of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: The site is known to hold archaeological interest.

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

6. Prior to the first use or occupation of any part of the development hereby permitted, the foul and surface water drainage system hereby approved shall be installed in complete accordance with the approved plans and particulars.

Reason: To ensure that the development is provided with satisfactory means of drainage and safeguard the ecological interest of the River Clun Special Area of Conservation, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy and SAMDEV policy MD12.

7. Prior to the above ground works commencing samples and/or details of the following shall be submitted to and approved in writing by the Local Planning Authority.

- Roofing materials;
- External walls materials, including a sample panel of stonework to show the stone pointing, jointing width, bond and mortar mix.

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 in the interests of the Shropshire Hills AONB and Heritage Assets.

8. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To ensure that the external appearance of the development is satisfactory in the interests of the Shropshire Hills AONB and Heritage Assets.

9. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory in the interests of the Shropshire Hills AONB and Heritage Assets.

10. Before any above ground works commence, details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

11. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority.

The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after

planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

12. A total of 1 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

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

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

14. 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.

15. Prior to the first occupation of the dwelling hereby approved the existing field access shall be blocked with reclaimed stone from the creation of the new access hereby permitted and the existing bench re-sited to the land in front of the new stone wall. Before this work commences details of the stone work, to include a sample panel of approximately 1m square to show the character of coursing and joining width, mortar mix, pointing profile and finish, shall be erected on site. No work requiring the use of those materials shall be started until approval has been received in writing and the work shall be carried out in accordance with such details as may be approved by the Local Planning Authority in writing.

Reason: To define the permission for avoidance of doubt, in the interests of highway safety and protecting the visual amenity of the area, Shropshire Hills AONB and Heritage Assets .

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

16. 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 gates shall be provided to close the proposed access along the highway frontage.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Informatives

1. PRIVATE WATER SUPPLY

Consideration should be given to ensuring that the quality of the water supply to the proposed development meets the required microbiological and chemical standards of the Private Water Supplies (England) Regulations 2016 where these regulations apply. In addition, an investigation should be carried out in order to provide evidence that there is a sufficient and sustainable water supply available to meet the needs of future residents living in the proposed dwellings. Alternatively, there may be provision for properties to connect to the mains water supply. The latter is the preferred option with regards to public health.

Regulation 13(2) of the Private Water Supply (England) Regulations 2016 stipulate that a water supply must not be brought into use unless the Local Authority are satisfied that the supply does not constitute a potential danger to human health. The applicant must therefore provide suitable information with any future application including test results. Shropshire Council should be used to carry out sampling to ensure that it is carried out in a way that satisfies legislative requirements.

For information on water sampling and contact details please visit:

<https://new.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/how-do-private-water-supplies-regulations-affect-me/>

2. Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

3. NESTS OF WILD BIRDS

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

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

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

GENERAL WILDLIFE PROTECTION - TRENCHES

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

BATS

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

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

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

APPENDIX 2

RIVER CLUN CATCHMENT – HABITAT REGULATIONS ASSESSMENT

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

19/00218/FUL
Proposed Dwelling To The South Of
Hopesay
Shropshire
Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description).

Date of completion for the HRA screening matrix:

23rd April 2019

HRA screening matrix completed by:

Nicola Stone
Planning Ecologist

Table 1: Details of project or plan

Name of plan or project	19/00218/FUL Proposed Dwelling To The South Of Hopesay Shropshire Erection of single storey dwelling and garage with foul treatment plant and temporary siting of a static caravan (amended description).
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: <input checked="" type="checkbox"/> Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	Erection of single dwelling and formation of vehicular access. (The dwelling will have three bedrooms).
Is the project or plan	No

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

Statement

An interim ‘Guidance note for developers on requirements for waste water management for any development in the Clun Catchment’ (see attached) has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

The applicant is proposing to use a **Package Treatment Plant/septic tank with discharge to a drainage field.**

Discharge from the treatment plant will not be discharged straight to the water course. Instead it will be directed to ground in a drainage field.

A percolation test has been completed by the applicant indicating that the ground is suitable for a drainage field. The drainage field will be constructed in accordance with Building Regulations Approved Document H2: Paragraph 1.26 to 1.44.

In view of the above, and providing the development is carried out according to the details submitted then the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

The Significance test

The proposed works in application No 19/00218/FUL will not have a likely significant effect on the River Clun SAC. An Appropriate Assessment is not required.

The Integrity test

It was concluded that the proposed works under planning application No 19/00218/FUL would not have a likely significant effect on the River Clun SAC, and an Appropriate Assessment is not required.

Conclusions

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

Guidance on completing the HRA Screening Matrix

The Habitat Regulation 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 Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation 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 unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

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 is a whole to fully engage with the Habitats Regulation 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.

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Committee and date
 South Planning Committee
 8 May 2019

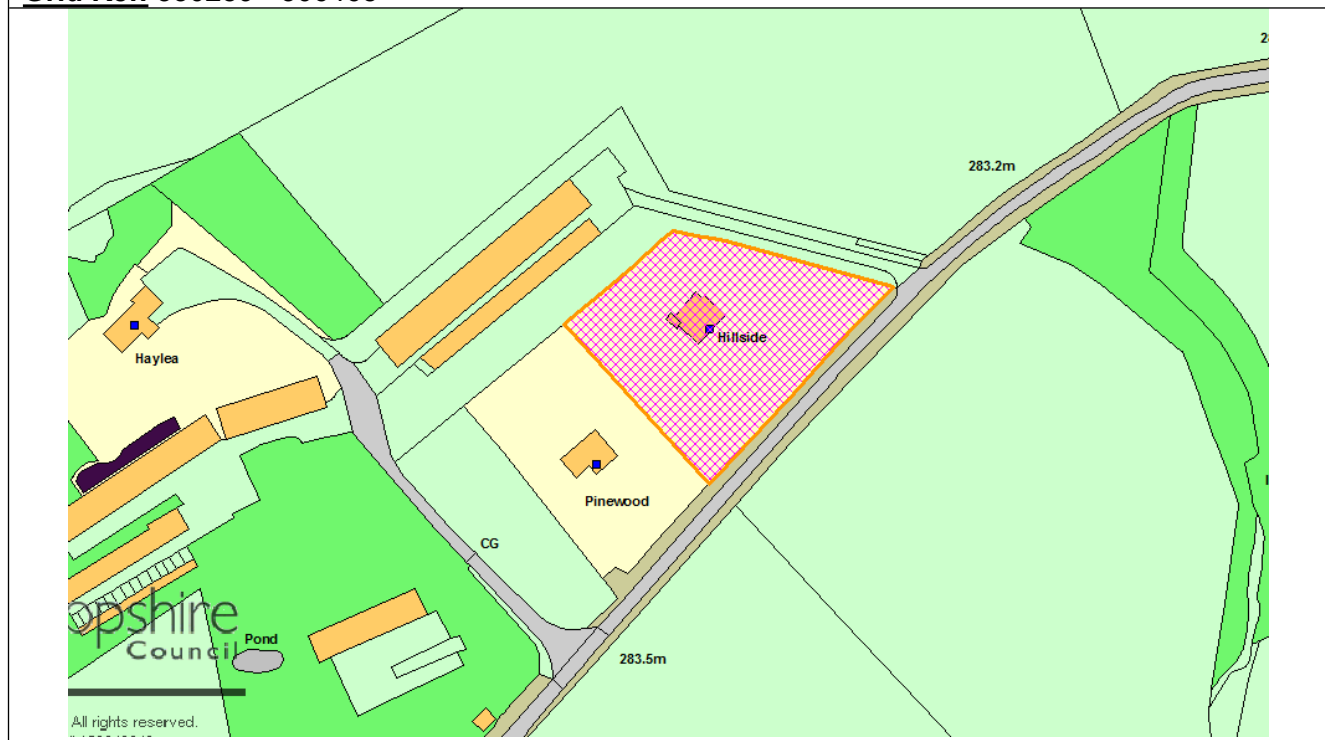
Development Management Report

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

Summary of Application

Application Number: 19/00758/FUL	Parish:	Worthen With Shelve
Proposal: Erection of 2 storey extension to rear of building; detached 3-bay part open fronted garage block		
Site Address: Hillside Rowley Shrewsbury Shropshire SY5 9RY		
Applicant: Sean Caddick Architectural		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 330259 - 306465



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission to erect a part single storey, part one and a half extension to the rear and towards the side of the existing dwelling; replacing an existing single storey lean-to extension at the rear of the property. The dwelling will continue to be a three bedroom property but with one of the two ground floor bedrooms moved to the first floor. The extension will create a larger living space and a new open plan kitchen and dining area.
- 1.2 Also proposed as part of the planning application is a three bay detached garage block.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The dwelling sits in an isolated rural location on the slopes of Rowley Hill affording long distance views to the south. The dwelling is located in an area of open countryside.
- 2.2 The existing dwelling is a wide gabled bungalow which already has a small amount of accommodation provided within the roof void. The dwelling is positioned well above the level of the passing rural lane, set back behind a roadside boundary hedge. There is also extensive tree planting to the site and to the rear of the property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant must be considered by the planning committee as the concerns a property that is in the ownership of an employee of the Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

Parish Council- This Parish Council supports the extension to the property.

This parish council objects to the garage. There are concerns about the height and size of the garage block in relation to this rural setting and its relationship to the house.

4.2 Public comments

- 4.2.1 No representations received at time of writing report.

5.0 THE MAIN ISSUES

- ☐ Principle of development

- ☐ Scale, design and impact on historic environment/landscape
- ☐ Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Core Strategy advises that all new development must respect the local distinctiveness, must protect, restore and enhance the natural, built and historic environment as well as be appropriate in scale, density, pattern and design taking into account the local context and character including features which contribute to local character. Policy MD2 of the SAMDev Plan further builds on CS6, advising that new development must contribute to the form and layout of existing development and the way it functions, including streetscapes, building heights and lines, scale, density, plot sizes and local patterns of movement. The amenity of neighbouring residents needs to also be maintained.

6.2 Scale, design and appearance

6.2.1 The SPD's key requirement is for extensions to be sympathetic to the size, mass, character and appearance of the original dwelling and to the local context. The proposed extension is set towards the rear of the site. This will allow the original dwelling to be the most prominent feature of the site and for the extension to be subservient to it. It is considered that the design and scale of the extension is in keeping with original property and appropriate for the site and its context.

6.2.1 The applicant is proposing a 3 bay garage which would be to the side of the property with its rear elevation backing onto the site's side boundary. Since the application was originally submitted the height of the garage roof has been reduced by adding a shallower pitch. This now creates a garage that is more in keeping with relatively low ridge height of the dwelling. It is considered that the changes made do go some way to addressing the comments of the Parish Council and it is Officers opinion that the revised design is acceptable.

6.3 Impact on residential amenity

6.3.1 It is considered by officers that there would be no detrimental impact upon the amenities of neighbouring occupiers given the distance from other residential properties.

7.0 CONCLUSION

7.1 The development relates to the property's established residential use and is therefore acceptable in principle. The proposed garage has been reduced in height and it is considered that neither the extension or the garage would have any detrimental impact on the site or its surroundings. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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

8.2.3

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
MD2 – Sustainable Design

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PMXP2OTDJYR00>

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

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.

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

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

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.



<u>Committee and date</u>
South Planning Committee
8 May 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 8 MAY 2019

LPA reference	18/04477/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Simon Angell
Proposal	Erection of a detached dwelling and temporary use of existing outbuilding ("garage/store") as residential accommodation during building construction
Location	Land Adjacent Wayside Ashford Carbonell Shropshire SY8 4BX
Date of appeal	5/4/2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/03809/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Anthony Whittall
Proposal	Erection of two storey side extension with balcony at first floor
Location	6 Decker Hill Shifnal Shropshire TF11 8QN
Date of appeal	08/05/2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/05619/FUL
Appeal against	Non determination
Committee or Del. Decision	N/A
Appellant	David Poyner
Proposal	Erection of a dormer bungalow with associated parking and external works and restoration of glass house following demolition of derelict classroom and WC block (re-submission)
Location	Fifield House Barratts Hill Broseley Shropshire TF12 5NJ
Date of appeal	15.4.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	